California Journal

The Monthly Analysis of State Government and Politics

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WHO WILL RUN THE REAGAN WHITE HOUSE?

The hot primary races

Decline of the 'imperial speakership'

SPECIAL SECTION

Ballot proposition analysis

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Personal PERSPECTIVE

By Ed Salzman

ILLUSTRATION BY NANCY ECKEL

Yes, Virginia, there are no crooks in Sacramento

New Jersey politico Gordon MacInnes, a former Southern Californian, claims that the elected officials in his state are not any more crooked than their counterparts in the rest of the country. They just seem that way, says MacInnes, because the prosecutors in New Jersey indict and convict crooked politicians, while there is no comparable activity in California and other states.

The same might be said for the counties within California. Does Orange County, with all its indictments and convictions, harbor more political crooks than all the rest of the counties combined? Or does it just seem that way because District Attorney Cecil Hicks has chosen to crack down on government corruption, while other prosecutors prefer to concentrate on common criminals?

Fellow Californians, take it from the FBI: There aren't any crooks in the state Legislature. After three years of investigating members of the Legislature, past and present, the nation's most prestigious law-enforcement organization came up with a clean bill of health for our lawmakers. In fact, the only politician in Sacramento apparently still under suspicion is the man who made the announcement of the termination of the FBI probe, United States Attorney Herman Sillas, who supposedly has failed lie-detector tests stemming from charges that he had taken a bribe long before he took his present post. (Sillas calls the charge "crazy.")

Is the Legislature truly simon pure, without a single member on the take during the past 10 years? That hardly seems possible, even though there has been a gradual improvement in the caliber of lawmaker coming to Sacramento over the past 15 years. The reality is that the FBI simply couldn't get the goods on anyone, either because the FBI is inept or the corrupt politicians among us are too damned smart to be caught . . . or both.

In three years of work, the FBI and the federal grand jury came up with exactly two indictments. And they were of minor figures on peripheral charges. Little wonder both trials ended in hung juries and the prosecutors decided to drop the charges. Along the way, Sillas sent a letter to a central figure in the investigation, former state Senator Alfred Song, indicating that the former Senate Judiciary Committee chairman would not be indicted.

The fact that the FBI didn't nail any crooks is not important. What is important is that the manner in which the probe was conducted placed a cloud of suspicion on every member of the Legislature, even the most ethical and honest. Reputations have been damaged along the way and the public standing of lawmakers — already quite low — was hardly enhanced.

Among 120 individuals, there will always be some who yield to temptation. But who's going to catch them? Investigative reporters in the Capitol always have a list of suspects; they even refer privately to some lawmakers as "crooks." But they can't produce a smoking gun. The legislative ethics committees, the district attorney of Sacramento County and the state attorney general's office have never shown any enthusiasm for cracking down on government corruption.

Into this vacuum rode the G-men. What they probably found is that California politicians are much more honest than they anticipated and that the few crooks in Sacramento are a whole lot smarter than they are in Orange County and New Jersey.

California Journal

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The McCarthy-Berman tug-of-war over the Assembly speakership has received all the ink, but the Republican leadership post of Bill Campbell in the Senate is also under attack. Campbell's arch-rival, Bill Richardson, is determined to dethrone Campbell next year (with someone other than Richardson replacing Campbell). The key, as in the Berman-McCarthy contest, is the outcome of this year's elections. Richardson won the first round when his candidate, Dan O'Keefe, beat Campbell-supported Gloria Hom in the Santa Clara County special election.

Secretary of State March Fong Eu has collected her first dividends from her move to the exclusive Fremont Place district in Los Angeles. She convinced one of her new neighbors to make a register-to-vote television spot with her. The neighbor: Muhammad Ali.

Interesting statistic: Among incumbent county supervisors seeking reelection, women have significantly more opposition than men -- an average of more than two opponents each, compared to 1.6 for each male.

A hamburger hutch in the Sacramento government complex recently underwent remodeling and then was given a new name — Awesome Azam's O.B. 2000. If you haven't guessed, O.B. stands for office building.

That cry of anguish last month in Sacramento was the result of an overnight economic recession hitting members of the Legislature. A federal tax court ruled that perhaps half of the expense allowances received by lawmakers is subject to income taxation. That ruling could cost the typical lawmaker several thousand dollars.

Notable omission from Jerry Brown's television address opposing Proposition 9: any mention of the biggest spender of tax dollars, the public schools. Does this mean that the public schools won't be hurt if Proposition 9 passes? To the contrary, they could hardly be spared major cutbacks. Brown's omission reflects the fact that the public schools have a poor image in California, and a threat of cutbacks might be perceived as a reason to vote for the Jarvis initiative.

Pat Brown's observation after his son's TV speech: "Now that he's making sense, no one's listening."

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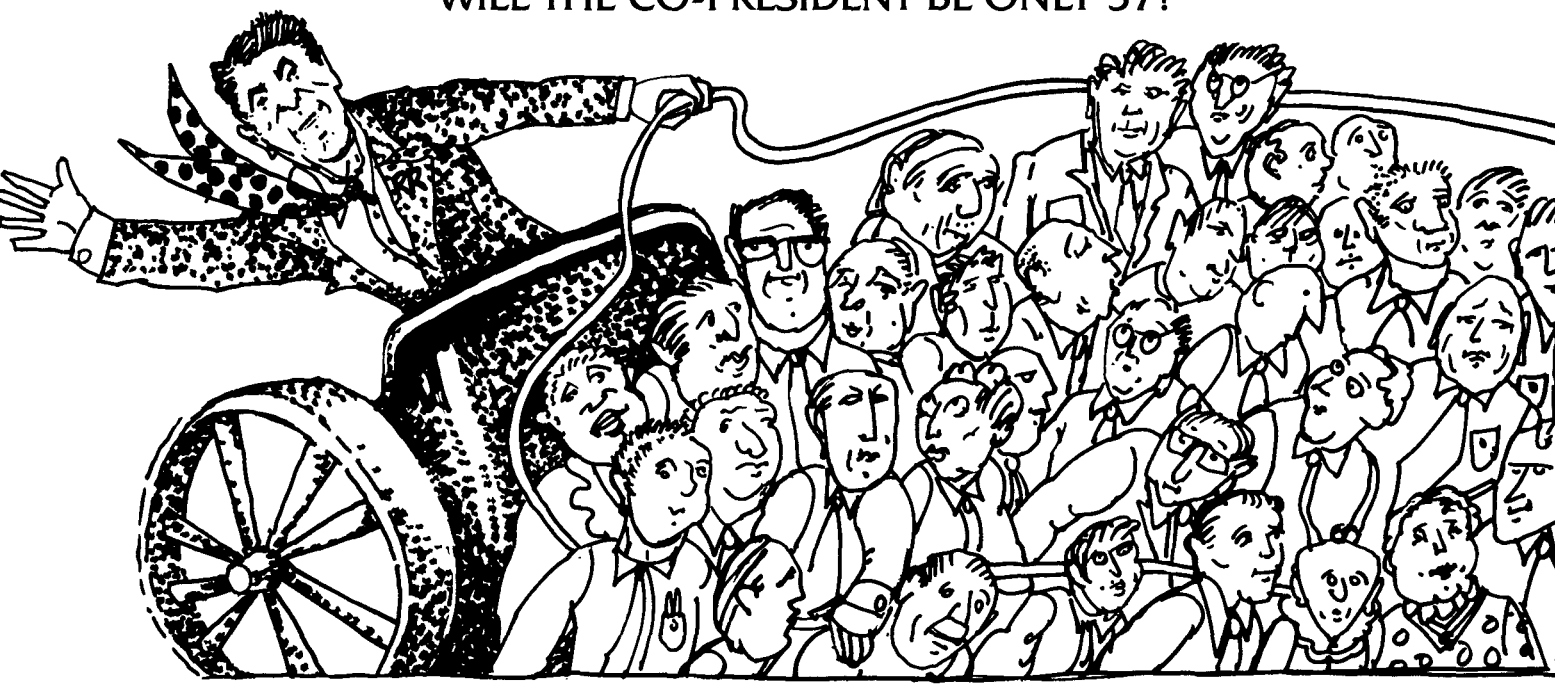
WILL THE CO-PRESIDENT BE ONLY 57?



The California 'mafia' in the Reagan White House

By Ed Salzman

At this point, there is at least a 50-50 chance that Americans in November will make California's Ronald Wilson Reagan the oldest man ever inaugurated as president of the United States. It can now be taken for granted that he will be the nominee of the Republican Party. About the only thing that can stop him now is a breakdown in health or a spectacular scandal. If elected, Reagan will celebrate his 70th birthday only a few days after taking the oath of office.

Age alone would make it logical that President Reagan would delegate a great deal of authority to his office staff and cabinet members. But even when Reagan was able to tackle a vigorous routine without risking his health, he chose to remain aloof from the grit and grime of government. As governor of California, he was a chairman of the board, allowing his staffers to analyze problems and present him with the results of their studies in brief form. Decisions were often made on a collective basis by the cabinet rather than by the chief of state. Some underlings were given free rein over their agencies.

Because he is now past normal retirement age and the scope of the federal government is so much larger, a key question ought to be answered before the balloting in November: Who will run the Reagan White House?

During the eight years Reagan served as governor of California, a great deal of emphasis was placed on the role of the "kitchen cabinet" — a small group of Reagan's wealthy friends — in shaping government decisions. Not nearly enough attention was given to the "bedroom cabinet" and the power wielded by the woman best known to the public by her adoring upward gaze — Nancy Davis Reagan. While her husband was governor, it was clear to those in the executive office that the former Hollywood actress was a heavy influence on the governor. But she generally remained out of the limelight — except at public functions, when she played the part of admiring and dutiful wife.

In the White House, Nancy Reagan would be able to act as a co-president, sitting in on vital discussions of national and international problems and sharing the decision-making power with her husband. Rosalynn Carter has a large piece of the action in the present White House, but she is working with a resident who chooses to spend long hours delving into the details of government. There would be a much larger open space for Nancy Reagan to fill.

A no-nonsense toughness

As co-president, Nancy Reagan would push the conservative principles enunciated clearly these days by candidate Reagan on the hustings. Her friends call her a no-nonsense taskmaster and disciplinarian who can be expected to work for *laissez-faire* economic principles and a tough federal attitude toward law and order. She supposedly acquired her toughness through admiration of her father, noted neurosurgeon Loyal Davis. While President Reagan would be 70 shortly after inauguration, Nancy Reagan would be only 57. (Her birthday is listed as July 6th, 1923 by the Reagan campaign office, although standard reference books do not list her year of birth.)

Reagan himself proved as governor that he is not nearly as ideological in office as he is on the campaign trail. His decisions are often much more pragmatic than his rhetoric. As governor, he adopted such a hard-line decision against collection of the state income tax by payroll deduction that he declared that "my feet are in concrete on withholding." It was later pointed out to him that payroll deductions were preferable to a tax increase and he changed his position. "The sound you hear," he joked, "is the concrete cracking

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around my feet." Four years ago, he ran for president on his familiar conservative platform. Yet, when strategy in the campaign against Gerald Ford demanded it, he announced that his running mate would be one of the most liberal Republicans in the Senate, Richard Schweiker of Pennsylvania.

Because of Reagan's age, the man (or woman) nominated to be Reagan's running mate could be pivotal in the success of the GOP ticket. Indeed, Ford's selection of Kansas hatchetman Robert Dole as the GOP vice-presidential candidate may have swung the election to the Carter-Mondale ticket. If Ford had selected Reagan, the GOP might well have been victorious. Of course, Reagan said during the course of the pre-convention campaign that he was not interested in the second spot on the ticket. But he would have taken it had it been offered. However, Ford detested Reagan and didn't offer the vice-presidency to the Californian during their meeting in Kansas City.

Whom will Reagan select as his running mate (assuming he presents the convention delegates a recommendation this July in Detroit)? Columnist George Will claims that Reagan needs to pick someone with presidential prestige and that Ford would fit the bill perfectly. There are a few barriers to be overcome before that could come about — Reagan's dislike of Ford, the likely unwillingness of the ex-president to play second fiddle, and the problem of both candidates coming from the same state. (The United States Constitution would not allow California's electoral votes to be cast for a ticket composed of two Californians. Will suggests that Ford could eliminate this problem by listing his ski cabin at Vail, Colorado, as his official place of residence — instead of Palm Springs.)

The Kemp option

If Ford is not his choice, the California "mafia" in the Reagan White House might be headed by a vice president who is an expatriate from the state — Congressman Jack Kemp of New York. In the early days of the Reagan Administration in Sacramento, Kemp was a member of the governor's staff between football seasons. Kemp was educated in California and played quarterback for the San Diego Chargers before moving to the Buffalo Bills. As a member of the House of Representatives, Kemp has become best known for his advocacy of the Kemp-Roth bill, which would cut income taxes 10 percent a year for three years. Reagan is supporting this 30 percent cut in the income tax. Kemp would add youth and geographical balance to the ticket, and his selection would also maintain ideological purity.

During the campaign, Reagan has indicated that he does not intend to compromise principles by selecting a moderate or liberal as a running mate. Anti-abortion leaders are also under the impression that he has promised a pro-life vice presidential nominee. The pragmatic Reagan, with the nomination in hand, would recognize that the task ahead would be to win independent and Democratic voters away from Carter. Kemp would hardly help him do that, but John Anderson would represent too stark a philosophical contrast. A moderate-conservative in the Howard Baker-George Bush mold would tend to attract non-Republicans, even though neither of them would meet Nancy Reagan's standard as a pure conservative.

The last Californian in the White House, Richard Nixon, depended a great deal on Bob Haldeman and John Ehrlichman to keep the White House running smoothly, although they had relatively little experience in government and probably did Nixon more harm than good. The chief of staff in the Reagan presidency would probably be a Californian who has spent virtually his entire adult life in government or in the exploration of public issues: Edwin Meese III. Meese is anything but a Haldeman (or even Hamilton Jordan) type of

leader. He does not operate under the conspiracy theory of government and does not see every issue as black and white. He is an expert in many areas of government and has the capacity to keep control over a great many activities without losing his cool or sense of proportion. He started in the Reagan gubernatorial administration as legal affairs secretary and moved up to chief of staff after William P. Clark Jr. was appointed to a judgeship. Meese has been active in Reagan's presidential campaigns as an administrator, strategist and adviser on domestic issues.

(Clark, incidentally, might be considered by Reagan for appointment to the United States Supreme Court. Although his academic credentials are weak, Clark has become an effective voice of the conservative point of view as a member of the state Supreme Court. By appointing Clark, Reagan could be assured that he would be appointing a tested conservative to the high court. As governor, Reagan thought he was nominating a conservative chief justice in Donald Wright, but Wright soon joined the liberal majority on the bench.)

Sacramento alumni

Reagan has maintained an alumni association of those associated with him in the Sacramento adventure. Meetings of former Reagan staffers have been held periodically since Reagan left office in 1974. In addition to Meese, several of the former Sacramento staffers could be expected to move into the Reagan White House or remain advisers on the outside. In fact, it was the purging of these old Reaganites by John Sears that led to his eventual firing as manager of the Reagan campaign. According to one report, the final straw was an attempt by Sears to fire Meese, a move that Nancy Reagan found intolerable.

Over the years, Franklyn (Lyn) Nofziger has been a key member of the Reagan team. He remains affiliated with Reagan's Citizens for the Republic but is no longer one of the former governor's day-to-day advisers. Nofziger cannot be expected to become the press secretary in the Reagan White House. Instead, that job should go to Edwin J. Gray, one of Reagan's gubernatorial press secretaries who recently joined the campaign in the same capacity. The one-time publicist for Pacific Telephone is one of several key members of the Reagan team that joined the San Diego Federal Savings

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and Loan Association, headed by one-time Reagan secretary for business and transportation Gordon Luce. (Others from the association may also join Gray in Washington.)

Peter Hannaford and Mike Deaver formed a public relations and marketing firm after leaving the Reagan Administration. Both have been helping in the Reagan campaign as volunteers, Deaver on issues and administration, Hannaford on media. Either or both might find jobs in the Reagan White House. So might Chuck Tyson, an administration and scheduling aide in the governor's office in Sacramento now filling the same role in the campaign.

The California mafia in the Reagan White House would not stop with the Sacramento alumni. Reagan has been getting advice from quite a few Californians in the business and academic communities on foreign affairs, economics and other federal issues. Martin Anderson of Stanford has been one of his top domestic affairs aides for several years. A relatively recent Stanford arrival is economist Milton Friedman, from whom Reagan has long obtained economic advice. Friedman, who believes control of the money supply is the key to the economy, could well become the top economist in the Reagan Administration in Washington.

A younger California economist, Arthur Laffer of the University of Southern California, is also a Reagan favorite. Laffer's prime theory is known as the Laffer Curve, which indicates that reductions in taxes produce economic activity that produces even more revenue for government. (Laffer and Friedman are divided on Proposition 9, with Laffer for it and Friedman against it.) Another USC professor, William Van Cleave, is a key Reagan adviser on international relations. Reagan is also calling on two former Nixon cabinet members, George P. Schulz and Caspar W. Weinberger, for help on a variety of issues. (Weinberger served as state finance director in the Reagan Administration before going to Washington.) Schulz and Weinberger are now top executives with the Bechtel Corporation in San Francisco. That firm is loaded with experienced political operatives, any number of whom might become part of the Reagan White House.

The 1966 mistake — again

As governor, Reagan never became intimately familiar with the details of most problems. As a presidential campaigner, he has tripped up on some basic issues — such as the term "parity," a magic word in agricultural politics. Yet public displays of ignorance and a willingness to delegate more than the usual amount of authority have not proved major liabilities. In fact, they have tended to cause political opponents to underestimate Reagan. They have created the erroneous notion that Reagan is a political lightweight who will fall by the wayside once the going gets rough.

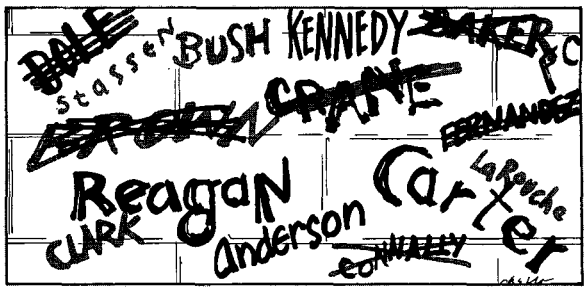
The Carter White House apparently is making the same mistake in 1980 that Pat Brown's campaign made in 1966. Brown decided that the real obstacle to a third term as governor was the former mayor of San Francisco, George Christopher. So Brown worked overtime in the primary to demolish Christopher so that Reagan would win the Republican nomination. The Brown theory: The actor with the single speech would be easy pickings in the general election.

By now, Carter should know that Reagan is a magnificent campaigner. He proved that in two gubernatorial campaigns in California. This year, he was in trouble early because he tried to sit on his lead. Once Reagan started campaigning, the Republican race was all but over. By the time the November election rolls around, the Georgians in the White House may well regret rooting privately for Reagan. Here are some reasons:

- ***The conservative philosophy*** espoused by Reagan is gaining popularity in the country. Reagan is telling folks what they want to hear: that he will cut taxes and reduce the size of government.
- ***After the nomination,*** Reagan will probably soften some of his positions on foreign affairs to allay the fears of those who think he will lead the nation into war in a short time. Reagan's post-convention rhetoric, aimed at Democrats and independents, will emphasize different issues, like law and order.
- ***Reagan will take good care*** of his body; he probably won't look any worse for wear in October than he does today.
- ***In a verbal confrontation,*** Carter may be able to cite more statistics, but Reagan is an expert at charming an audience. He has an incredible ability to get away with aw-shucks for an answer to a question requiring specific knowledge. Don't bet against Reagan winning a debate with Carter.

Public-opinion polls don't mean much this long before a presidential election. The Carter-Ford margin narrowed almost 30 points in a few months four years ago; Ted Kennedy's big lead over Carter evaporated overnight. Looking at the state of the nation, it is hard to believe that Carter can move substantially ahead of Reagan or any other Republican challenger. Should there be no improvement in economic conditions and Americans remain imprisoned by Iranian zealots, the actor from California could even become the favorite to win in November.

The presidential lineup



Even though Jerry Brown has withdrawn as a presidential candidate this year, his name will still appear on the June 3rd ballot in California. Other Democrats on the ballot: President Carter, Senator Ted Kennedy and Lyndon LaRouche (also unpledged).

Republicans on the ballot: Congressmen John Anderson and Phillip Crane, George Bush, Ronald Reagan and Benjamin Fernandez. Secretary of State March Fong Eu said that Howard Baker, Robert Dole and John Connally had filed affidavits withdrawing their names from the ballot.

Other candidates: American Independent Party — Sean Morton Downey Jr., John Rarick. Peace and Freedom — Benjamin Spock, Gus Hall, Deirdre Griswold, David McReynolds (Barry Commoner has withdrawn from the California ballot). Libertarian Ed Clark has already been nominated by his party and will appear on the November ballot.

The certified list of candidates issued by the secretary of state contains two names omitted from the roster of races in last month's *Journal*. Ted Brown is a Libertarian candidate in the 45th Assembly District, and Democrat Joe Scardino of Sacramento won a court order placing his name on the ballot in the 5th Assembly District. Candidate Roland Cayard in the 24th Congressional District should have been listed as a Republican. In the 25th Assembly District, Republican Barry Laird failed to qualify for the ballot.

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Initiatives, local races, judgeships -anything but the presidential primary

If a tourist from an Eastern state spent some time watching television in California last month, the visitor would hardly have guessed that the state is only a few weeks away from a presidential primary election with a raft of candidates for congressional, legislative and judicial posts also on the ballot. But the Easterner would have been exposed to commercials for Proposition 10 (rents) and against Proposition 11 (oil tax) over and over again.

Presidential primary activity was in low gear because the candidates were forced to concentrate on other states and because President Carter and Ronald Reagan were far ahead of the competition — although Ted Kennedy was making a strong move. The Republican United States Senate race, was still in the backroom stage, with candidates burning the telephone wires trying to raise campaign funds for a May television blitz.

But the San Francisco campaign firm of Woodward, McDowell and Larson sent dollars into the fray very early on behalf of clients in initiative contests. The firm tried to convince the public via television spots that Proposition 10 would establish a fair-rent system and that Proposition 11 unfairly would tax large companies so that government bumblers will have more money to spend on projects like freeways that go nowhere. Those opposing Proposition 10 as an initiative to abolish rent controls and those supporting Proposition 11 as a just tax on "pig oil" reported that they were unable to raise the funds necessary to purchase competing television time.

The Butcher-Forde organization, running the campaign for Howard Jarvis' Proposition 9, launched a computer-mail campaign designed to sell the income tax cut and to raise money for the last month of the campaign. The opposition, choreographed by Braun and Company of Los Angeles, charted a strategy designed to convince the voters on a community-by-community basis that the initiative would be harmful to the California citizenry. This strategy was chosen over a head-to-head statewide media campaign against Jarvis.

With only a few weeks left before the June 3rd balloting, the challengers of Carter and Reagan faced an almost hopeless situation. It appeared entirely possible following the Wisconsin primary that there might not be any opposition to either front runner by the time the primary trail ends in California. Jerry Brown withdrew after finishing third in Wisconsin, leaving only Kennedy to challenge Carter. On the Republican side, John Anderson and George Bush were staggering along. Anderson was trying to mount a campaign in California based on Democratic defections. That meant that Kennedy and Anderson were competing for the liberal anti-Carter and anti-Reagan voter. The Anderson effort was helping Carter, and the Kennedy campaign was good for Reagan.

Taking on Cranston

The Republican contest for the right to challenge United States Senator Alan Cranston was remarkably quiet on the surface. Proposition 13's Paul Gann started the race with an advantage, at least in name and issue identification. He also had the backing of conservative state Senator Bill Richardson, Mayor Pete Wilson of San Diego and industrialist Justin Dart, a fund-raising dynamo. Conservative state Senator John Schmitz was trying to lure Gann into debate and planning on a three-week television blitz before the primary. Originally, Schmitz had hoped to have the computer-mail talents of the Butcher-Forde organization in his corner, but the firm went with Cranston instead. (That could mean that Howard Jarvis will support Cranston in November.) Schmitz, who has solid conservative credentials, is a witty and articulate debater who would probably demolish Gann in head-to-head competition.

The wild card in the Senate race is Pasadena attorney Ray Hanzlik, a charismatic but unknown candidate who has the backing of former Lieutenant Governor Bob Finch (his law partner) and the management expertise of Bill Roberts, long associated with major GOP campaigns. Finch knows how to raise money, and Roberts thinks Hanzlik might win the nomination with $750,000 in campaign contributions and the support of moderate Republicans throughout the state. Gann, Schmitz and the other two well-known Republicans in the race, Sam Yorty and James Ware, all appeal primarily to conservatives. Are there enough moderates in the GOP to get a Hanzlik nominated? (See following article for a detailed analysis of the Senate race.)

Here are some other races worth watching:

- ***Congress*** — Democrat Charles Wilson of Hawthorne is the only incumbent who could lose a seat in the primary. Bitter primary battles are under way in both parties for the right to replace Republican Bob Wilson of San Diego. On the north coast, 1978 Democratic nominee Norma Bork is struggling with Sonoma County Supervisor Brian Kahn for a crack at Republican Don Clausen.
- ***State Senate*** — The spotlight battle is between Assemblyman Bob Cline and former Police Chief Ed Davis of Los Angeles for the seat held by retiring GOP veteran Lou Cusanovich.
- ***Assembly*** — Five Democratic incumbents face difficult primaries: Leroy Greene of Sacramento, challenged a second time by Joan Reiss; Floyd Mori of Pleasanton, opposed by Alameda County Supervisor Charles Santana; Carmen Perino of Stockton, under fire from Senate aide Pat Johnston; Jack Fenton of Monterey Park and Sally Tanner of El Monte, opposed by Chicano activists Richard Amador and Oscar Segovia. There are also spirited contests in 11 districts without incumbent candidates.
- ***Judgeships*** — The Law and Order Campaign Committee, headed by state Senate H.L. (Bill) Richardson, has selected a few incumbents to target but is primarily working in open races. The incumbents on the hit list: Superior Judges Richard Calhoun of Contra Costa County and Joseph Katz of San Bernardino County and Municipal Judge Richard Hamilton of Orange County. Among those the organization is supporting in Superior Court races without incumbents are Eric Younger, Lawrence Waddington and John Stanton of Los Angeles County and Ragnar Engebretson of Orange County. *–E.S.*

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Paul Gann - the one-issue candidate

By Chuck Buxton

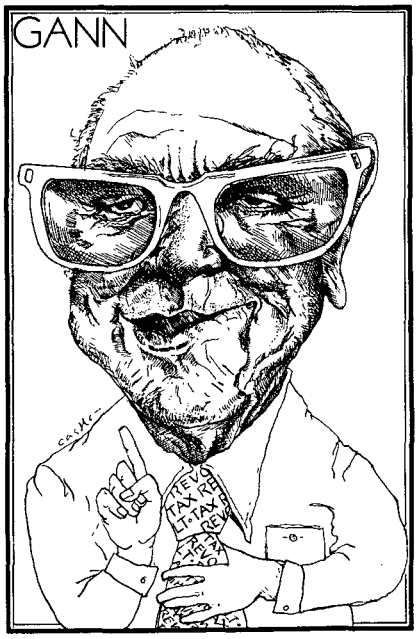
Paul Gann's crusade against big government has taken him from political nobody to star billing as a tax cutter. He now is trying for one more metamorphosis, from single-issue crusader to U.S. senator. It is a measure of the California voters' affection for the Republican outsider that Gann, with no measurable party experience, is leading a field of political mavericks.

His two chief challengers, former Los Angeles Mayor Sam Yorty and state Senator John Schmitz, have won their fame through personal flair and political philosophies that only occasionally flow with the party mainstream. From the ranks of the political unknowns, a distant threat is posed by Ray Hanzlik, a young energy attorney with ties to the Republican establishment, who is waging an all-media campaign.

For his opponents, the 67-year-old Gann is an elusive target. He is highly regarded statewide as a tax rebel and yet is unburdened by a political record. Seemingly afflicted by a country-like naiveté and prone to grammatical lapses, he was the first to lock up big contributors, the first to put together a professional campaign organization and the first to declare his candidacy. His main campaign problem is the front-runner squeeze. While he carefully tries to avoid mistakes, his fellow Republicans are busily undermining his popularity and waiting for the break that will carry them to the forefront.

An unlikely hero

Soft-spoken, grandfatherly Gann is an unlikely challenger to two-term Senate veteran Alan Cranston, who is waiting with a $1-million-plus campaign bankroll while the Republican contenders battle for the June 3rd primary nomination.



But Gann also is an unlikely hero of the anti-big government crusade. Virtually ignored as leader of a citizens' movement in Sacramento for almost a decade, Gann vaulted to prominence in 1978 as co-author of Proposition 13. He then eclipsed the more colorful Howard Jarvis by carrying the banner for the immensely popular "Spirit of 13" government spending limitation approved last November.

A solid dollar

Gann stands on one issue — fighting inflation by cutting taxes and government. His ideas on foreign policy start from a "solid dollar and a sound economy." He insists, "People are fed up with the way our money is spent and the looseness with which it is committed. Our country is too great to be a fifth-rate nation."

Asked if America's troubles abroad would make foreign policy the overriding issue of the senatorial campaign, Gann responded in an interview earlier this year: "We have created inflation to the point it is destroying this nation. Now, everybody wants to be a foreign missionary. We don't have enough home missionaries."

Some Republican strategists question Gann's ability to expand his single-issue popularity to cover difficult energy and foreign problems. And they wonder if his folksy, rough-at-the-edges personality that worked well in initiative campaigns will hold up through May. One concerned Republican professional says of Gann, "He has not been exposed over a wide range of issues. I don't know whether he can stand up under that kind of scrutiny. He's a one-issue guy." And, added this adviser who is somewhat resentful of Gann's rise outside the party ranks, "He is not literate. He can't speak good English. Whether fair or not, it indicates ignorance."

Schmitz, the mustachioed, 49-year-old master debater from Orange County with impeccable right-wing credentials, opened the attack on Gann in early April at what was scheduled to be a debate before the United Republicans of California chapter in Sacramento. Only about 30 persons were on hand to hear Schmitz, Yorty, perennial candidate James Ware and Santa Cruz businessman Philip Schwartz.

Schmitz unloaded: "I think Mr. Gann found out he had a prior engagement when he saw the topics were U.S. energy programs, the SALT II treaty, the defense posture of the United States including proposals for draft registration, causes of inflation and what solutions can be offered. And it didn't include collecting signatures for the ballot initiative."

Adding insult, a 79-year-old retired Sacramento school teacher who once worked with Gann in a battle to curtail legislators' pensions stood up and declared, "Maybe Mr. Gann did not come

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because so many of us have criticized him on third-grade grammar."

Gann, one of 12 children of an Arkansas fundamentalist minister, acknowledges, "There's no question but what I do butcher the English language occasionally." But he adds, referring to the victories of Proposition 13 and the "Spirit of 13" (Proposition 4) spending limitation, "So far it has hurt me so bad. I win consistently."

His association with Proposition 13 and the subsequent overwhelming success of the spending limitation brought him to the attention of Republican power brokers. They spotted him as a party outsider who, because of his personality and his issue, had galvanized public opinion. He falls into the tradition of successful Republican office-seekers with a wide following as non-politicians. Those forerunners include U.S. Senator S. I. (Sam) Hayakawa, a university president, and two actors, former Senator George Murphy and former Governor Ronald Reagan. The most recent Republican instant success story, record company executive and Lieutenant Governor Mike Curb, was one of the first to endorse Gann's candidacy.

Although Gann enjoys that cause-inspired popularity and name recognition, he seems to be having trouble transferring that enthusiasm from cause to candidate. Overshadowed by the presidential race, the Republican primary has been lackluster at best. Money is tight. The grassroots Republican organizations, according to several sources are in part dispirited because of the early withdrawal of popular San Marino Congressman John Rousselot. He found it almost impossible to raise money about the same time the *Los Angeles Times* was reporting that Gann had met privately with Justin Dart and several other Republican financial power brokers and had been promised their help in raising $3.5 million to beat Cranston. Gann later said that figure was discussed in much broader terms as the amount it would take to beat Cranston. Gann's campaign figures it will be lucky to collect $600,000 for the primary.

By the time the first Mervin Field California Poll was published on the senatorial race in late February, Gann and Schmitz were in the race and Yorty was about to announce. The figures (excluding Congressman Paul McCloskey, who decided not to challenge Cranston) showed Gann at 35 percent, Yorty at 21 percent and Schmitz at 10 percent. The undecided total was 29 percent, a sign the numbers could easily change by late May.

In many ways, the campaign did not begin until early April. Only then did candidates nail down professional campaign firms and begin raising money and plotting strategy, a time unusally late for a major statewide race. Here is the election outlook for Gann's major GOP opponents:

• ***Sam Yorty:*** At 70, the feisty former congressman, state legislator and Los Angeles mayor is competing in his first partisan election as a Republican. He believes his five years of Southern California exposure as host of his own Sunday night television show may help him more than his 12 years as mayor and his campaigns for governor, U.S. senator and favorite son presidential candidate. His show was canceled early this year.

Campaign manager Larry Peck, of the Peck-Liggett Group, refers to two polls as evidence Yorty has the lead in Southern California. A mid-March KABC-TV poll pitting the Republicans against Cranston showed the Democratic incumbent far ahead, at 38 percent, with Yorty at 16 percent and Gann at 12 percent. A second Yorty-commissioned poll by Dorothy Corey of Facts Consolidated, using a sample of about 430 voters, had Yorty leading in five Southern California counties. Peck maintains that is a solid base to build from, with up to $250,000 for a media campaign, if Gann falters.

• ***John Schmitz:*** A relative campaign youngster at 49, Schmitz has quipped that with Cranston, 65, Gann, 67, and Yorty, 70, he is only three heartbeats away from the Senate. A U.S. Marine Corps reserve colonel and a John Birch Society official, he believes he has a rock-solid conservative foundation that he will combine with his age and experience as a state senator and congressman.

But the independent-minded Schmitz has alienated some of his followers, first by bolting the party in 1972 to run as the American Independent Party presidential candidate and then last year angering Reagan supporters by backing John Connally and challenging the winner-take-all primary. He failed in a bid for the U.S. Senate in 1976. He is getting campaign help from Senate Minority Leader Bill Campbell of Whittier and the professional firm of Murphy/Powers Media Incorporated, a Los Angeles branch of the national pollster and consultant Arthur Finkelstein.

• ***Ray Hanzlik:*** He is the youngest, 41, and least known of the main contenders. He is closely associated with Robert Finch, secretary of Health, Education and Welfare under President Richard Nixon. He works for Finch's Pasadena law firm and was Finch's executive assistant in Washington in the early 1970s.

Hanzlik, a native of Los Angeles and graduate of the University of Virginia law school, has worked since 1977 on energy problems of small, independent oil firms. His campaign manager, Bill Roberts of the Dolphin Group, says the campaign is relying on six, half-hour live television shows devoted to foreign policy to boost Hanzlik's standing. At $65,000 a show and with a campaign budget goal of $600,000, Roberts concedes that each half hour must generate enough contributions to pay for the next one if the campaign is to survive.

• ***James Ware:*** He is a 59-year-old Los Angeles businessman who has run twice for U.S. Senate and is most notable for upsetting former Assemblyman Dixon Arnett in the 1978 Republican primary for state controller. His name appeal and ultra-conservative credentials could steal away

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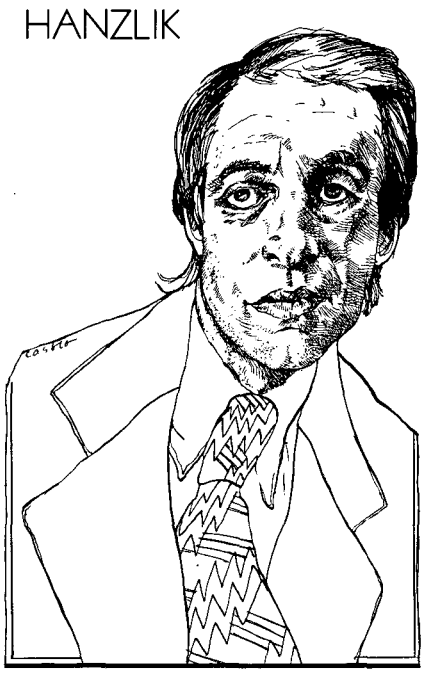

some of the right-wing votes from Yorty and Schmitz, and possibly Gann.

There are two other candidates: Philip Schwartz, a 40-year-old Santz Cruz car dealer, and Brian Hyndman, a 42-year-old San Diego-area businessman whose enterprises include selling American flags.

Most political pros grant Gann frontrunner status. For example, campaign consultant Doug Watts of Sacramento observes: "As it stands, Gann is the guy who's going to pull it off. I don't see anybody impeding him. But with a caveat: He's having a very difficult time raising money."

The importance of money to the campaign is illustrated by that debate no-show. While Schmitz was lambasting Gann's absence, Gann was meeting privately with some potential Bay Area contributors.

Handling the campaign is Slevin/Brown Associates of San Francisco. The firm has worked for liberal Republican Milton Marks of San Francisco, has battled rent control attempts in several cities and fought the San Francisco initiative that would have limited high rises.

Gann relies heavily on his son, Richard, who works for a Sacramento-area real estate development firm. He gets legal advice from Chip Nielsen and John Hodgson of the firm of Dobbs & Nielsen, which is linked to numerous Republican candidates and business organizations. Gann uses a mailing firm headed by conservative state Senator H. L. (Bill) Richardson of Arcadia, who some observers consider one of Gann's mentors.

Gann thinks of himself as a citizen politician, skeptical of the Washington perspective of the world. In an April interview ranging across national issues, he was hawkish on defense: "I think we should go all the way to maybe a blockade of the place," he said of Iran. "We've waited long enough. We should do everything short of war to force the release of those 50 Americans."

On energy, he urges development of nuclear power as well as coal. He also has kind words for wind, water and solar power. He says the United States cannot blame its inflation woes entirely on higher oil prices, pointing out that inflation rates last year in Germany and Japan were substantially lower than in the U.S., although those countries rely almost totally on imported oil.

Gann clearly is becoming smoother, spinning out more statistics and shunning some of the cornball expressions he once cherished. For example, in an interview last December he said, "If somebody tells me there's a man on Capitol Hill who understands all the things that he's going to be confronted with as a U.S. senator, I'll show you a man that seriously should be put away because he's not only dangerous to the nation — he could hurt himself."

Hospitals, not schools

When he was five, Gann smashed his left leg in a fall from a horse. For the next five years, he could not walk because of a crippling bone disease. His left knee often was swollen to the size of a basketball, and he endured frequent lancings of the knee joint and scrapings of the bone. He steadfastly refused amputation, and he was in and out of hospitals until his early 30s, missing a formal education.

Gann and his wife, Nell, who have been married 48 years, moved to Sacramento during the Depression. In the early 1940s, he went to a San Francisco military hospital for more operations and finally was cured when he became one of the first civilians to try a new drug, penicillin.

Gann made a living in the Sacramento area selling cars and then real estate. In 1968, he started his political involvement. He joined a parents' patrol in the Sacramento suburb of Del Paso Heights that was trying to organize residents to combat crime. "Those people was treated so shabbily by the government" he recalls, "that it made me angry and I haven't gotten in a good humor since."

He organized his citizens' group, People's Advocate, in the early 1970s. In 1974, he pressured then-Governor Reagan to call a special session to throw out legislation allowing lawmakers to begin collection their pensions immediately after leaving office. He launched an initiative in 1975 to require voter approval of politicians' pay raises, and followed it the next year with an initiative to reduce property taxes.

Another tax crusader, Howard Jarvis, then an executive in a Los Angeles-based apartment owners association, also was pushing a version of a property tax cut. In 1977, they joined forces, and the next June voters enthusiastically approved Proposition 13.

Even though relations between the two men have been cool since their Proposition 13 success, they exchanged endorsements last month, Gann backing Jarvis' Proposition 9 and Jarvis supporting Gann's candidacy. The latter move disappointed all of Gann's conservative opponents, especially Schmitz, who claimed that Jarvis had promised to support him.

Jarvis denied such a promise and said of Schmitz: "I worked hard to put him in the state Senate two years ago. He's doing a good job. I still like him, but he shouldn't bite the hand that feeds him."

Now that he is out of Jarvis' shadow and developing a well-recognized name of his own, Gann is betting the tax-revolt tide will carry him to Capitol Hill. Republicans are certain Cranston is vulnerable as too soft on defense and too liberal on spending, but a lot of them are unsure that Gann is the man to match the quick-witted Cranston. Nevertheless, Truman Campbell, leader of the state's Republicans, warns against underestimating Gann. That "country style" wears well, says Campbell, who told Washington reporters a few months ago, "Gann is dumb — like a fox."

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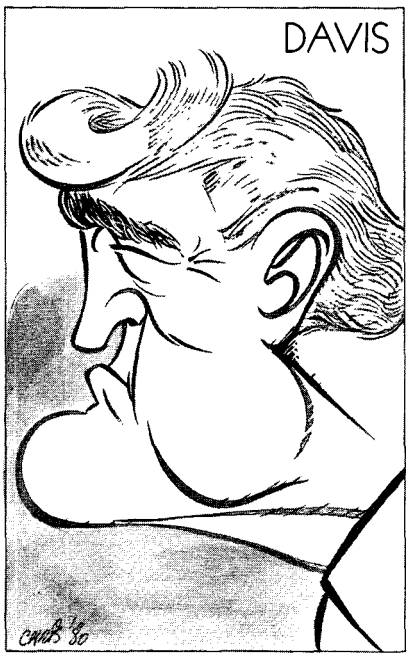
Crowded on the right

ILLUSTRATIONS BY CHRIS VAN OVERLOOP



By Michele Willens

It's a race in which Robert Cline has to admit that he is the more moderate candidate. Who is more conservative than Cline, a 10-year Republican Assembly veteran from the 37th District? Los Angeles' volatile ex-police chief, Ed Davis, that's who.

With the retirement of longtime state Senator Lou Cusanovich from his 19th District, including parts of the San Fernando Valley and Malibu, a hotly contested race has broken out for the Republican nomination. (It's largely conceded that the GOP nominee will go on to win in November.) The stars are Cline and Davis, two men who in many ways seem to be more alike than different.

Each man is trying to out-conservative the other, especially on the law enforcement issue. "I have a 10-year record which is strong on law enforcement," Cline says." It's been a continuing issue in my district. I'll have more support than he will from rank-and-file police officers." Davis says that may be true, due mostly to his refusal to support binding arbitration for police unions, something Cline supports. "I'm unalterably opposed to the police unions being able to set their wages or settle grievances because that dilutes the authority of the city and county," says Davis. "So Cline may get the support of police unions. Anyway, I don't need to use the law enforcement issue. I think it's implicit in who I am. No one's going to make me look soft on crime."

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Style and performance

The two men are close on other issues, and if one is more "moderate" than the other, it hardly shows. "The campaign will be based on a difference of style and performance," says Cline, who plans to emphasize his experience as a legislator, implying that Davis hasn't had any to take with him to the state Senate. "I have a 10-year record in a legislative position, and there is a great deal of difference between being the head of a civil service organization and being in the Legislature. The key issue here is experience."

Davis plans to turn all that around and claim that experience is a hindrance, not a help. "I think what he's talking about is his problem," says Davis. "He's been part of a house that has terrible habits and has systematically killed every law enforcement bill. He's been part of the problem. The biggest issue in any campaign is that of the ability and character of the candidates. I'm stressing my knowledge of the Legislature from the other end: in attempting to get legislation passed to help people."

The styles of both candidates are similar: colorful, controversial and occasionally outrageous. Neither man is short on confidence.

"Cline's reputation up here is as a demagogue," says a colleague who sits with Cline on the Rules Committee. "When he gets the mike, he's never looking at his fellow legislators but rather at the press gallery. He likes to find an issue and then play to the press. But unlike Alan Robbins — whom no one likes — Bob is a nice, friendly guy you can shoot the breeze with. And I can't say he's been ineffective. He's been pretty effective for his point of view."

Davis' style consists mainly of shooting from the hip, talking about hanging hijackers at airports and so on. "We prefer to call that candor," says Davis campaign consultant Mark Barnes. "We are going to play up his strengths, which are his conservatism and his maturity."

Both candidates insist that they won't conduct negative campaigns. "I don't think personal attacks are accepted by the voters and it's not my style anyway," says Cline. "But it is valid for the Chief to talk about my voting record — and I will talk about his rather startling statements over the years."

"This won't be a dirty campaign from my standpoint," pledges Davis. "In-

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siders tell me he wants to play a dirty game but he's got the wrong opponent. There's nothing he can say about me because I've had to lead a very careful life."

The Cline-Davis race will likely be one of the costliest contests ever waged for a state Senate seat. Each candidate plans to spend about $200,000; both have campaign consultants calling the shots. (Davis' is Barnes, Cline's is Robert Gouty.) Right now, both consulting firms' polls show that Davis' name identification is higher than Cline's. But Cline says his polls suggest that half of the people who know Davis won't vote for him. "My name ID is slightly lower, but so is my negative factor," Cline says. "Davis also lost this Senate district in his bid for governor against Younger, and that was when he was at the height of his vote-getting potential. But he's a formidable opponent."

National symbol

Davis' losing bid for the GOP gubernatorial nomination in 1978 was his only prior run for office. But during his days as LA's most colorful police chief, Davis landed on "60 Minutes" and became a nationwide symbol of tough, no-nonsense law enforcement. Whether too much time has passed since those days will be tested in this race, probably his last if he loses. Davis is stressing his independence and his opponent's lack of clout.

"Our campaign has topped $100,000," he says, "and the largest single contribution has been $2,000. Most have been checks for about $40. I am so pleased that I will go up to Sacramento with a great deal of independence and the most broad-based support.

"Bob Cline may have a perfect score in terms of a voting record, but he hasn't been a bill author or a ball carrier. It takes more than just a good voter to get things accomplished. Cline talks about being so strong against busing, but Robbins is the guy who carried the big busing bill. He has failed to provide leadership or to make a difference."

Cline points with particular pride to his current attempt to get $127 million of gasoline tax dollars into the Simi Valley Freeway project: "I've had to work with both the Reagan and Brown administrations on that," he says.

If there are differences on the issues between Cline and Davis, they are minimal. Cline supports the Equal Rights Amendment; Davis doesn't. Davis is reluctant to use federal funds, fearing they bring controls along with them. Both men support Proposition 9 and both supported 13, although Cline likes to remind people he supported Jarvis-Gann before the Chief, whom he calls a "latecomer on 13." Davis denies that.

"He's full of misinformation," Davis says. "I waited until March to see if there was any action in the state Legislature, but there wasn't, so of course I strongly went with 13. It's worth noting that both 13 and 9 are products of an absolute failure on the part of the Legislature."

As a hobby . . .

Davis says if he gets to Sacramento, he has plans: "I think there's an awful lot of reform necessary up there. The road system in California is disgraceful. We used to be famous for our roads. So I want to see decent roads and I want to see some real reduction in spending. And I want to see a de-commissioning of the rule-making authority of all those boards and commissions. It's un-American to appoint bureaucrats to essentially make law. And, as a hobby, I want to do some things about crime."

Most political observers believe that if Cline wins, nothing much will change. If Davis can translate name identification and color into votes, he could be one of the more flamboyant personalities in Sacramento. Certainly he would be looking to his own political future soon after he arrives.

Significant Court Actions

Second-class judges

In terms of pay and pensions, there are now two classes of judges in California. Those who took office after January 1st, 1977 are not entitled to salaries and retirement benefits nearly as high as those who have been serving since before that magic date. Division of the judiciary into two pay classes was the result of a decision handed down, 6 - 1, in *Olson v. Cory*, by the state Supreme Court. The majority opinion was written by Associate Justice William P. Clark Jr., one of three justices participating in the decision who will get substantial pay raises as a result of the ruling.

In 1969, the Legislature enacted a bill giving judges each September 1st pay raises equal to the rise in the consumer price index during the previous year. (Pensions are based on salary levels.) In 1976, lawmakers passed another law freezing judicial salaries for 22 months and then setting a 5 percent yearly limit on pay increases. The majority decision said that the 1976 law could not apply to judges who had been covered under the 1969 law because they have a vested right to the cost-of-living increases.

Clark was joined by Associate Justices Stanley Mosk and Frank K. Richardson, who will benefit from the decision, as well as by Associate Justice Wiley Manuel and by Appellate Justices George A. Brown and John T. Racanelli, sitting on assignment. Associate Justice Frank A. Newman filed a dissent charging the majority with creating "a judicially contrived right, purportedly contractual, that is not enjoyed by the thousands of other public officers and employees . . . There was no contract because there was no offer or acceptance." The majority recognized the conflict-of-interest problem stemming from the fact that some justices had a stake in the outcome of the case. Clark applied the "rule of necessity" which provides that a judge can try a case even when there is a personal financial interest if there is no other court available to resolve the case.

Other significant cases:

- *For the fourth time*, the state Supreme Court reversed a death-sentence conviction under the 1977 capital-punishment law it has upheld as constitutional. The court said two prospective jurors were improperly questioned about capital punishment. Clark, the lone dissenter in the 6 - 1 ruling, said the court is thwarting the will of the people and that the public does not have the protection "inherent in an operative death-penalty law."

- *In a landmark decision* involving the drug diethylstilbestrol (DES), the Supreme Court ruled, 4 - 3, that cancer victims may sue manufacturers of a drug even though consumers cannot identify the brand that they ingested.

- *The Court of Appeal* in Sacramento struck down as unconstitutional the 1977 law granting collective-bargaining rights to state workers. The 2 - 1 decision will be appealed to the Supreme Court. The majority said that the law conflicts with a constitutional provision granting the right to set salaries to the state Personnel Board.

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The Charlie, Merv and Mark show

BY STEVEN PRESSMAN

California's 31st Congressional District cuts a wide swath across the southwest portion of Los Angeles County, stretching from Hawthorne and parts of Torrance on the west to Paramount and Lynwood or the east. In between lies the economically depressed city of Compton where a huge percentage of the area's mostly all-black population is out of work and on welfare. The rest of the district is moderately conservative, made up of hard-working blue- and white-collar workers. Many of them rely on defense-related industries like Northrup, Douglas and TRW for their livelihoods.

The economy is an important issue which, perhaps ironically, could help incumbent Democrat Charles Wilson remain in the House of Representatives for a tenth term, even though incumbents often face disgruntled voters in tough economic periods. Throughout his 18 years in Congress, Wilson has been a strong defense advocate and has compiled a pro-labor voting record which has won influential friends and has paid off every two years at election time.

Testing friendships

Those friendships will be tested most severely in June as Wilson battles two formidable Democratic challengers for the congressional nomination. Wilson also must overcome accounts of ethics violations that began two years ago in the Koreagate influence-peddling scandal on Capitol Hill.

Shortly before the primary in 1978, in which he was opposed by seven challengers, Wilson was found guilty of lying about a $1,000 gift from Korean businessman Tongsun Park. But his challengers were not well-known and they had little money to spend. Wilson won renomination, although he captured only 39 percent of the Democratic vote. In the general election, Wilson took advantage of a 3 to 1 Democratic registration edge and beat his Republican opponent with 68 percent of the vote.

Cartoon courtesy of *The Political Report*

Then last December, the House Committee on Standards of Official Conduct charged Wilson with 15 counts of bribery, accepting kickbacks and payroll padding. At that point former Democratic Congressman Mark Hannaford decided that Wilson might be a vulnerable target for defeat. Hannaford had been elected to Congress from neighboring Long Beach as part of the Watergate freshman class of 1974. Four years later, the conservative tenor of his district caught up with him and Hannaford was beaten by Republican Dan Lungren. So Hannaford moved across the district line to Paramount and announced his candidacy. In mid-April, the House ethics committee ruled Wilson guilty of campaign-contribution violations.

Hannaford was not the only ex-officeholder to see Wilson's seat as a possible route back into public life. Former Lieutenant Governor Mervyn Dymally, defeated two years ago by Mike Curb, looked at the multi-ethnic populations of the 31st District, especially the heavy concentration of black Democratic voters, and jumped into the race as well. He has insisted that he is not just gearing his campaign to black voters — "I

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am not a 'black' candidate and I'm not running a 'black' campaign," says Dymally — but there is little doubt that Dymally's chances of winning the nomination lie in attracting minority votes. "A visible black candidate with a well-financed campaign and with a good organization in black areas like Compton, Athens and Willowbrook can win," says Rick Taylor, an aide to Los Angeles City Councilman John Ferraro who worked for a black candidate against Wilson in 1978. "If Mervyn Dymally can excite people in that area to vote for him, he will win the seat."

Early in the campaign, Dymally caused a stir when he told a Compton audience that he would devote much of his time to helping to revitalize that city if he went to Congress. Wilson quickly seized on that statement and began telling white audiences in other parts of the district that Dymally would only represent one part of the district, the black-populated region. Dymally, in turn, blamed newspaper headline-writers with distorting his comments about Compton, but he did not back off from his pledge for that city. "The eastern part of this district is dying and I don't think the people in Hawthorne and Torrance want half of their district dead," says Dymally.

While aimed at shoring up support among black voters, Dymally's promise actually may have backfired among some black officials who bristled at his "Compton-is-dying" remarks. "The statement that there is no revitalization — that is not the fact," says Compton's Mayor Lionel Cade, who supports Wilson. "He (Wilson) has represented us well and he has always been available when we called on him for assistance."

'Uninvestigated' Democrat

While Dymally is seeking a winning coalition of black, Hispanic and Asian voters, Hannaford is hitting both Wilson and Dymally squarely on the ethics issue. In fact, Hannaford's entire campaign is built on the theme that he is the only honest, "uninvestigated" Democratic candidate in the race.

"Mr. Wilson's entire record in public life is one of disregard for the law and the rules of conduct," said Hannford when he announced in January. As for Dymally, Hannaford reminds audiences that the former legislator and lieutenant governor has been the target of a series of allegations and probes into various activities related to his public duties. The latest investigation of Dymally involved a state attorney general's inquiry into a $10,000 contribution from a Long Beach-based religious group.

Hannaford's camp is convinced that Dymally's image will be just as tarnished as Wilson's among many voters. "We don't have a lot of convincing to do. People already believe it," says Larry Levine, the San Fernando Valley political consultant working for Hannaford. As for Hannaford's campaign strategy, "He's running on everybody's record," according to Levine. "We've got the only candidate who hasn't been threatened with an indictment."

The unknown 'white knight'

But Hannaford is also the candidate with the least name identification in the district. Wilson, of course, is a familiar name on the ballot; Dymally is well-known for his years in statewide office. Hannaford, however, is an unknown in the district. A former mayor of Lakewood, he insists that he has just as many ties with cities in the 31st District as he had in his old Long Beach district. Levine, meanwhile, dismisses charges that Hannaford is a carpetbagger looking for an easy way back into office. "They've all moved here from somewhere. You go back 10 years and nobody was here. The argument that anyone who moves from Lakewood to Paramount is a carpetbagger is absurd."

Still, Hannaford faces a struggle to become the "white knight" of the race. An early poll, commissioned by Orange County political consultants Butcher-Forde (then sounding out the campaign for Wilson), found Wilson edging Dymally 29 percent to 24 percent, with Hannaford trailing far behind with only a few percentage points. That was before any active campaigning by Hannaford, but most observers still see the race as a showdown between Wilson and Dymally.

The ethics charges hanging over Wilson's head have prompted him to keep a low profile so far, but surrogates for Wilson have reminded audiences and reporters that Wilson was faced with ethics charges in 1978 and survived them quite well. Two years ago he beat his GOP opponent, engineer Don Grimshaw, very decisively. Wilson is relying on heavy labor support for his re-election bid. Dymally has tried to portray Wilson as being soft on labor issues, but the Los Angeles County Federation of Labor has stuck with Wilson. Despite Dymally's claims, the AFL-CIO's report card on Wilson's voting record in Congress showed 151 votes for labor and only 27 against. As chairman of a subcommittee of the House Post Office Committee, Wilson has also attracted the support of the postal employees' union.

In past elections, local public officials and labor unions have traditionally lined up behind Wilson, hoping to be remembered when it came time to seek favors and federal funds. Several officials have already done the same this year, but others have put some distance between themselves and Wilson because of the ethics charges. For officials like Ed Russ, Gardena's mayor, support for Wilson is more a matter of bread-and-butter politics than it is a concern for Wilson's moral posture. "When the issues are there, he's been there," says Russ, describing Wilson's strong advocacy of defense matters, a steady source of jobs in the district.

Dymally has also been talking about jobs and attracting business and industry into the district, a favorite topic left over from his days in the lieutenant governor's office. While he has disavowed any interest in bringing up Wilson's political troubles in Washington, Dymally still has found easy ways to toss barbs at Wilson: "What we need is not someone who is going to spend his time at the racetrack or in Korea, but who will spend time in Hawthorne and Lynwood and Compton and the cities that need a lot of help."

Backing from the Bermans

Dymally will have the aid of the Berman brothers, Howard and Michael, and their computerized mailings that target specialized letters to particular segments of voters. One group of voters Dymally hopes to win are the Hispanics who make up a hefty 18 percent of the district's population, living primarily in Lennox, Lawndale, Lynwood and Paramount. But Hispanics have traditionally produced low voter turnouts and have demonstrated little affinity for black candidates.

Most observers agree that Dymally's chances rest on capturing a large percentage of black votes and hoping that Hannaford siphons off enough white votes from Wilson to swing a plurality to Dymally. Hannaford must hope that Wilson loses Anglo suppport over the ethics issue while keeping his share of minority voters. (Wilson scored well in black areas in 1978, even with three black candidates in the race.) Wilson, meanwhile, must prove again his ability to maintain voter support even under adverse political situations like Koreagate.

The race has attracted national publicity and was dubbed by *Congressional Quarterly* as "one of the most exciting primaries in the nation." Whether voters in the district view the race that way, or simply as a confusing choice between two candidates with questionable images and a third unknown, is another matter. When they make that choice next month, they will determine whether the 31st District sends a familiar face back to Washington or opts, after 18 years, for a new representative.

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The San Diego stampede

By Steve Wiegand

San Diego voters can be forgiven if they mistake the 41st Congressional District race for a version of Abbott and Costello's "Who's on First?" routine.

Consider:

- Republican incumbent Bob Wilson, 64, is stepping down from the seat he's held since 1952.
- Democratic state Senator Bob Wilson, 36, no relation to the incumbent, is seeking the office.
- Mayor Pete Wilson, a Republican who's no relation to either Bob Wilson, is *not* running for the seat, although most political observers think he could have won it hands down.
- Congressman Wilson's retirement and the ensuing scramble to replace him in Washington has set off a political merry-go-round in San Diego, with no fewer than eight area elected officials running for other offices.

Rumors that Wilson would not seek a 15th term floated around San Diego and Washington for more than a year before Wilson finally confirmed them at a January press conference. But would-be successors — with the exception of county Supervisor Jim Bates, a Democrat — all held off entering the race until Wilson made it official.

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When he did, there was a stampede of Democrats and Republicans, anxious to take a stab at San Diego County's first "open" congressional seat since reapportionment created a new district in 1972.

Marginal district

At stake in the race is a politically marginal district that takes in more than half a million people, spread from the city of La Mesa west to the beach communities, and from Miramar Naval Air Station south to the midcity area. The outcome will determine the political balance of the area's three-man congressional delegation, with Democrat Lionel Van Deerlin and Republican Clair Burgener considered clear favorites to win re-election.

And should speculation about the possible retirement in 1982 of both Burgener and Van Deerlin prove true, the winner in the 41st District this year might soon become the senior member of the San Diego delegation.

Seniority has been Congressman Wilson's key asset. First elected when Eisenhower won the White House, Wilson has served more years in the House of Representatives than any other current Republican member save John Rhodes of Arizona. Wilson's accumulated years in the House resulted in his becoming the ranking Republican on the House Armed Services Committee. With that as a base, he won a reputation as a leading champion of the military, particularly the Navy. In fact, his skill and ardor for attracting military spending to San Diego and wooing the support of military personnel led both friends and foes to dub him "Admiral Bob."

But the Wilson years had their share of difficulties, particularly so in the 1970s. Wilson was involved in controversies over the financing of the GOP presidential convention that was proposed for San Diego in 1972 and over personal business deals. In addition, he has been criticized for questionable use of federal mailing privileges, for a record as one of Congress' leading junketeers and for an arrest last year for alleged drunken driving. His margins of victory grew increasingly smaller, and Wilson says he decided to retire after winning his 14th term in 1978.

If he did make up his mind two years ago, however, he kept his decision so quiet that his announcement in January caused a herd of local politicians to change their plans. Most of San Diego's ambitious crop of would-be congressmen had been planning on making a run in 1982 for the new seat the county is expected to get after reapportionment.

Even as the rumors of Wilson's re-

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tirement grew stronger, some pretenders to the seat were afraid that Pete Wilson, who ran unsuccessfully for the 1978 gubernatorial nomination, would get in the race. Mayor Wilson, regarded as the most popular and powerful of local politicians, was offered Congressman Wilson's endorsement if he would run, according to reliable sources. But the mayor has eyes on another run for the governorship in 1982, and after winning a third mayoral term last year, he decided to stay put for a while.

With both of those Wilsons out of the way, state Senator Wilson decided to seek the Democratic nomination and forego running for re-election. With his Senate seat open, Republican Assemblyman Jim Ellis and GOP City Councilman Fred Schnaubelt both decided to run for it. Then Ellis' open seat attracted no fewer than nine candidates, including Republican San Diego City Councilman Larry Stirling, a Republican, and La Mesa Councilman Fred Nagel and Rick Augustine, both Democrats.

The starting line

When the dust settled, seven more candidates had joined Senator Wilson and Supervisor Bates at the starting line for the 41st District race. But only four candidates — two Democrats and two Republicans — are given much of a chance at winning Wilson's seat. They are:

• ***Bob Wilson.*** The San Luis Obispo-born attorney won a seat in the Assembly in a 1972 special election for Pete Wilson's old seat. In 1976, he beat former Senate President pro Tempore Jack Schrade in a bitter and expensive race.

Wilson is noted by San Diego political observers for two things: his conservatism and his political savvy. Although a Democrat, Wilson was a supporter of Proposition 13 and an early advocate of this June's Jarvis special, Proposition 9. In return, Jarvis has endorsed his candidacy. Wilson is a great believer in taking polls and walking precincts and is an acknowledged expert at knowing when and where to buy his media time. He sends out potholders with "Sen. Bob Wilson for Congress" emblazoned on them, and is known to search voter registration records so he can send birthday greetings to constituents on the appropriate date.

At one point, Wilson even considered running as a write-in candidate on the Republican side, with the thought that his chances of winning both nominations were "pretty good." He later changed his mind, "for tactical reasons."

• ***Jim Bates.*** A former Marine and marketing analyst for a chain of donut shops, Bates is the major challenger to Wilson for the Democratic nomination. The 38-year-old Bates was elected to the San Diego City Council in 1971 and won election to the Board of Supervisors in 1974. He won re-election in 1978.

Known as a scrapper and a politician who looks after his constituents, Bates is considered more liberal than Wilson and more in the mainstream of the Democratic Party. His announcement of candidacy came in October, well before Congressman Wilson decided to call it quits. When Senator Wilson decided to get in, he met privately with Bates to try to talk Bates into running for his state Senate seat instead. But Bates resisted and stayed in the congressional race, setting up a split in the allegiances of San Diego Democratic activists who have supported both men in the past.

Like Wilson, Bates runs efficient campaigns and is a great believer in walking precincts. Unlike Wilson, however, Bates does not hand out potholders. He uses T-shirts.

• ***Bill Lowery.*** After years of running other people's races, Lowery decided to become a politician himself in 1977, and won election to the City Council. A Republican "regular" since he was 12, the 32-year-old business executive worked quietly for months before Wilson's retirement announcement so that he could head off possible opposition in the GOP primary and emerge as Wilson's heir-apparent.

Lowery's hopes of having it easy in the primary were dashed when radio station owner Dan McKinnon got in the GOP contest. But most observers think Lowery's early start and efforts to corner the local Republican "establishment" give him the early edge.

• ***Dan McKinnon.*** If this 38-year-old owner of country-western radio station KSON wins the election, he won't be the first McKinnon to represent San Diego in Congress. McKinnon's father, Clinton, served two terms in Congress, from 1948 to 1952, and then lost a bid for a U.S. Senate seat. He was succeeded in Congress by Bob Wilson.

McKinnon, a former Navy pilot, got into the race a few weeks after Congressman Wilson quit. He is considered more conservative than Lowery and is banking on his connections as a country-music promoter to bring in big-name stars for fund-raising.

A costly contest

The race promises to be one of the most expensive in San Diego's history. Although all four major candidates are reticent to say how fundraising is going, Wilson was believed to have raised about $135,000 by the end of March, Bates about $75,000 and Lowery more than $50,000. McKinnon steadfastly refuses to say how much he has in the till, but he started running television commercials in March. Both Wilson and McKinnon have purchased billboard space.

The contest also promises to be a muddy one, with charges and controversies surfacing already. One is the so-called "free rides" in the campaign for Lowery and Bates — the fact that both are seeking the congressional seat with the security of being able to retreat to their current offices should they fail. But major issues have yet to be defined. With the exception of Proposition 9 (Bates opposes it), differences on key issues haven't emerged. So far, all of the major candidates have supported the idea of balancing the federal budget and bolstering the country's defense capabilities. They also claim to be equipped to carry on Congressman Wilson's work with the Navy.

But like most other political contests in the San Diego area, personalities probably will play as important a role as issues in deciding the outcome.

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June 1980

California Journal Ballot Proposition Analysis

The success of the Jarvis-Gann property-tax proposal two years ago gave California a hot case of "initiative fever." The first products of the flurry of signature-gathering activity will appear on the June 3rd ballot in the form of three highly controversial economic measures. Many more initiative proposals fell by the wayside for lack of sufficient signatures, including one that missed by only a few thousand names. (That proposal, which would have abolished the Republican Party's winner-take-all presidential primary, had even been given a preliminary designation as Proposition 12.)

In addition to the three initiatives, two proposed bond issues totaling $1.245 billion and six proposed constitutional amendments have been placed on the ballot by the Legislature. Most of the attention is focused on the three initiatives — Howard Jarvis' plan to cut the state income tax in half, a measure placing restrictions on rent-control laws, and a proposal spawned in Jerry Brown's office to levy a special state surtax on major petroleum corporations.

A majority vote is sufficient to enact any of the 11 propositions, including the two bond issues.

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1 PARK, WILDLIFE AND WATER BONDS

This proposal would provide for the issuance of $495 million in bonds for such purposes as park acquisition, wildlife conservation and wastewater reclamation.

Background: For many years, the state has financed much of the acquisition of state and local parks, recreational facilities and wildlife preserves through the sale of general obligation bonds. Issues totalling $734 million were approved by the electorate in 1964, 1970, 1974 and 1976. The proceeds of this bond issue would be used in a larger variety of projects than in previous years. The bond plan, authored by state Senator John A. Nejedly, contains numerous provisions controlling the use of the money. However, the Legislature would be restricted in the allocation of funds to the following outline:

- *Parks and recreation,* $338 million (Grants to local government $95 million; acquisition and development of state parklands, $75 million; acquisition of coastal resources, $95 million; acquisition of property at Lake Tahoe, $25 million; state grants for urban parks, $35 million; coastal agricultural protection and boating access, $13 million).
- *Fisheries and wildlife,* $45 million (Salmon hatcheries, $14 million; spawning habitat restoration, $11 million; wildlife projects, $20 million).
- *Water conservation,* $112 million (Grants for wastewater reclamation, $77 million; state assistance for agricultural water conservation, $25 million; state loans for agricultural wastewater disposal facilities, $10 million).

Arguments: The basic argument in favor of Proposition 1 is that the foundation of the good life in California is based on such natural resources as water, parkland, fisheries and other natural resources. This measure, claims author Ne-

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jedly, will provide immediate benefits in improved recreational facilities, more productive fish and wildlife resources and a more efficient use of the state's water supply.

The proponents, which include Governor Brown and Mayor Tom Bradley of Los Angeles, contend that the economy of the state is also built on its natural resources, and this proposed bond issue is designed to maintain the economic vigor of California. They point out that parks are overcrowded and new facilities are needed in the urban areas, that the state's water supply has been strained, and that there have been dramatic reductions in the population of some species of fish and wildlife, including salmon and steelhead.

Sponsors of this proposition emphasize that they are not proposing a one-time expenditure for a one-time benefit but rather an investment program in renewable resources.

Legislators opposing Proposition 1 have labeled it a "pork barrel" and an "irresponsible hodgepodge" of spending proposals that would not be approved if they stood alone. They also claim that the Legislature should have waited for the outcome of Proposition 9, the proposed income-tax cut, before placing this proposal before the voters. If Proposition 9 is approved, they point out, the state probably will not be able to afford principal and interest payments on a major bond issue.

Senator John Schmitz and Assemblymen Norman Waters and John Thurman, who filed the ballot-pamphlet argument against this measure, also maintain that there are several good reasons why the state should not be acquiring additional parkland: Half of California is already under government ownership. The state has already bought over a million acres of land for parks. Much of this property has not been developed and is not available to the public.

The opponents argue that each project should be voted up or down on its own merits. They take specific aim at the $25 million for Lake Tahoe, which they call a band-aid solution to a problem brought about by regional government, and at the reclamation of sewage water, which state officials as yet have not allowed to be used in domestic water supplies.

2 CAL-VET BONDS

This proposal would provide for the issuance of $750 million in bonds to continue the state farm and home loan program for veterans.

Background: For almost 60 years, the state has been engaged in the sale of bonds to finance farms, homes and mobilehomes for the state's veterans. Because the state can borrow money at extremely low rates, veterans buying property under the Cal-Vet program make significantly lower monthly mortgage payments than those using conventional financing. Over the years, almost $4 billion worth of bonds have been sold. The maximum amount of the loan is now $55,000 for a home and $180,000 for a farm.

This bond issue has a new provision designed to promote the use of alternate sources of energy. This provision requires that 10 percent of the funds be set aside to finance homes equipped with solar heating devices. The law permits a $5,000 increase in the loan for solar-heated homes.

Arguments: Assemblyman Jack Fenton, author of the bond proposal, claims the Cal-Vet program is desirable as a way the state can repay a debt to its veterans and help them rejoin the mainstream of California life. He emphasizes that the program costs taxpayers nothing because the debt is self-liquidating. The proponents argue that the Cal-Vet program helps the state's economy by stimulating the construction of houses. This bond issue, they add, is needed to meet the demand for Cal-Vet loans from Vietnam veterans.

There are four basic arguments against Proposition 2: The program is not tax-free because the citizens at large subsidize those who get tax exemptions by purchasing the bonds. The Cal-Vet law discriminates against those veterans who came to California after service in the military. The California program duplicates a similar benefit provided by the federal government. And, in an era of 14 percent interest on mortgages, it is not fair to grant any class of citizen the advantage of a 7 percent interest rate.

3 STATE CAPITOL ALTERATIONS

This proposed constitutional amendment would place restrictions on the appropriation of funds for alteration of the State Capitol.

Background: The State Capitol building was first occupied in 1869 and has been modified many times. A major reconstruction project began four years ago and is scheduled to be completed in 1981 at a cost of more than $64 million. During the current reconstruction it was discovered that the historic design features of the building have been changed repeatedly over the years. This measure, authored by Senator James R. Mills, is designed to maintain the historic features of the structure. It would prevent the Legislature from spending money to alter the building unless the funds were specifically earmarked for that purpose. In addition, it would prevent the enactment of an urgency statute for remodeling work. These provisions would apply only to historically restored areas and furniture, not to normal maintenance and equipment.

Arguments: Mills feels that this constitutional protection

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will be needed for the building so that politically powerful individuals will not be able to alter the Capitol's design to suit their own fancy. Over the past 100 years, he emphasized, the historical integrity of the building had been destroyed through excessive changes.

Assemblymen Eugene Chappie and Stan Statham have no quarrel with the purpose of the proposition. But they ask: "How many things must we put into our constitution? Surely not the individual protection of a historic building." They claim the constitution should be restricted to the fundamental outline of government and should not include the "color, detail, design structure and fixtures" of the Capitol.

4 VOTE ON PUBLIC HOUSING

This proposed constitutional amendment would eliminate the requirement that every proposed low-rent public housing project be submitted to a vote of the people.

Background: The California Constitution now prohibits the state or any local government from building or purchasing low-rent public housing units without the approval of the electorate. This would apply to housing for poor families or for senior citizens.

Under this measure, sponsored by Assemblyman Willie L. Brown Jr., the mandatory vote provision would be repealed. However, citizens could place a proposed project on the ballot by circulating referendum petitions and getting them signed by a specified number of voters in the community. The signature requirement would be 10 percent of the votes cast for governor in the previous election within the affected city or county.

Arguments: Proponents and opponents of this measure each have three basic arguments.

Brown emphasizes that California is now in the midst of a housing crisis in which the poor and elderly cannot buy or rent units at reasonable cost. Passage of the proposition would spur housing construction. He also contends that the proposition would reduce government cost by eliminating the necessity of a vote on projects with no opposition and with no state or local cost. The third supporting argument is that this measure retains the public's right to veto any project it doesn't like through the referendum.

State Senator H. L. Richardson, spokesman for the opposition, is urging Californians not to give up their automatic right to approve or reject low-rent projects. He points out that it would take 78,000 signatures to challenge a proposed project in Los Angeles under the referendum in the proposition. He also argues that low-rent projects cost the general citizen money because they are exempt from property taxes but use municipal services. He also predicts that unlimited construction of low-rent projects will have a devastating effect on established community patterns and property values.

5 CONFIDENTIALITY OF NEWS SOURCES

This proposed constitutional amendment would allow news reporters to maintain the confidentiality of their sources.

Background: Since 1935, the California Legislature has provided news reporters a "shield law" allowing them to maintain the confidentiality of their information sources. Current law provides that reporters may not be held in contempt for failing to reveal their sources or unpublished information during a judicial, legislative or administrative proceeding. In recent years, California courts have held that this "shield" interferes with a court's responsibility to conduct fair trials. In essence, they have said that when a newsperson's right of confidentiality conflicts with the right of a defendant to obtain information, the shield must be removed. In addition, the United States Supreme Court has ruled that newspersons cannot refuse to appear before grand juries and provide information that involves the disclosure of confidential sources. However, the court said that states could establish standards for relations between law enforcement officials and the press.

This measure, sponsored by Congressman and ex-Assemblyman Jerry Lewis, would place the "shield law" in the state constitution, where it would carry more weight than in the statute books.

Arguments: The Lewis proposal, supported by the California Freedom of Information Committee, is based on the assumption that the ability to guarantee confidentiality to sources is a cornerstone of the free flow of information in our democracy. At least six California reporters have spent time in jail in recent years rather than reveal their sources to a judge. In most cases, the proponents argue, reporters are able to reveal corruption in government only with the help of honest government employees who will not come forward without a guarantee of confidentiality.

There is no opposition argument in the voter's pamphlet distributed by the secretary of state's office. However, there are two divergent opposition views. One holds that the con-

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stitutional guarantee of a free press is not absolute and that it must give way so that individuals accused of crimes may get a fair trial. The other argument, expressed by editor Reg Murphy of the *San Francisco Examiner*, is that newspersons should oppose the proposition because the First Amendment right of a free press is absolute and that measures like this are tantamount to an admission that it can be abridged.

6 REAPPORTIONMENT GUIDELINES

This proposed constitutional amendment would strike invalid redistricting provisions from the state constitution and establish guidelines for reapportionment.

Background: Following each decennial census, the Legislature must reapportion all House of Representatives, Board of Equalization, state Senate and Assembly districts in California. The state constitution contains provisions regulating the redistricting process, but some of these rules have been declared invalid by the state Supreme Court. The invalid provisions for the most part are in conflict with the 1965 United States Supreme Court's one-person, one-vote decision.

This proposition would repeal these provisions, as well as a provision prohibiting the counting of persons who are not eligible for United States citizenship. (It also removes a directive that a special commission be formed to reapportion legislative districts should the Legislature fail to do so. This provision had been ruled invalid by the state Supreme Court.)

Proposition 6 establishes the following basic guidelines for reapportionment: Each district shall have only one representative. Population of each type of district shall be reasonably equal. A district cannot be split into two or more separate pieces. Where possible, a city or county shall not be divided among different districts.

The measure was originally sponsored by former Assemblyman Jim Keysor, a Democrat. However, the prime support for the proposition shifted to the Republican Party after some Democrats began to worry that the new guidelines could provide the GOP with a basis of challenging a 1981 Democratic-drawn redistricting plan. The official voter's pamphlet arguments on the measure do not discuss this issue.

Arguments: Assemblyman Robert Naylor, a leading proponent of the proposition, argues that this measure is necessary as a backdrop to orderly redistricting next year. Without it, he claims, the state could have districts that are confusing, unfair and unrepresentative. Proposition 6, he says, would prevent one party in the Legislature from gaining unfair advantage or insuring re-election of particular incumbents. He emphasizes that the opposition argument on illegal aliens is a smoke screen because the census is conducted by the federal government.

The opposition claims the Legislature made a mistake by putting the illegal-alien provision in the proposition. Assemblyman Leroy F. Greene also maintains that it will be impossible in some cases to provide districts of equal population and prevent the division of cities at the same time. There is also the argument that some cities might prefer being split into several districts, but Proposition 6 would prohibit that kind of apportionment. Some Democrats also would like to see the measure defeated because they feel it will lead to court challenges of virtually any plan drawn in 1981.

7 DISASTER AID

This proposed constitutional amendment would allow the use of public funds to remove debris from private property immediately after a disaster.

Background: The state constitution now prohibits state and local government from making a gift of public funds to individuals and corporations. There is an exception: Public funds may be used on private property during an emergency if necessary to protect public health and safety or to prevent further damage. However, it is questionable whether public funds may be used for the removal of material from private property after a disaster has struck.

Proposition 7 would allow debris and wreckage to be removed if the president has declared a major disaster in the involved area and if the cost of providing the aid will eventually be paid by the federal government. The property owners also must agree to assume the costs of any claims against government agencies resulting from the removal operation.

This proposition stems from floods in Los Angeles County during the past few years.

Arguments: This is one of the least controversial propositions on the ballot, and no opposition argument was filed for the official voter's pamphlet. The proponents claim that the constitutional amendment is needed because there are instances in which damage can be reduced through rapid government action in removing mud, boulders and water from property following a disaster. They point out that the total cost of the cleanup operation will be borne by the federal government. An opposition argument is that too many Californians have built homes in areas where they are especially susceptible to flood conditions and that measures of this type will tend to encourage more construction of this type.

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8 Energy Revenue Bonds

This proposed constitutional amendment would allow the state to issue revenue bonds for the development of so-called alternative energy facilities.

Background: The purpose of this proposition is to provide a new source of funds for private corporations seeking to develop so-called alternative energy facilities. This proposal would specifically allow the Legislature to provide for the issuance of revenue bonds to finance the acquisition, construction and installation of facilities producing energy through solar power, biomass conversion (making fuel out of agricultural and forest materials) and cogeneration (using waste industrial heat to generate electricity). The state would be prohibited from operating any facilities financed by the revenue bonds. This plan is similar to a program established by the state several years ago to help corporations build pollution-control facilities. The Legislature would be allowed to establish a limit on the total amount of bonds to be sold. A program of this type would produce funds at a relatively low interest rate because the return to investors would be exempt from income taxes.

Arguments: Assemblymen J. Robert Hayes and Lawrence Kapiloff, sponsors of the proposal, claim that California needs bold programs like this to get the state out of the oil habit. They emphasize that private enterprise needs financial help to develop alternative energy sources, which have tremendous power potential. They add that there is no cost to the taxpayer because bonds will be retired from the income from energy projects.

Senator Ollie Speraw, one of eight legislators to vote against the measure, claims Proposition 8 is unnecessary because conventional financing will be available for worthy projects and that the revenue bonds will be employed for risky enterprises. He says the proposition will create another unit of bureaucracy in Sacramento to administer the program and could trap the state into paying off the bonds if they go into default. If the state doesn't pay off deadbeat bonds, he adds, the state's credit rating will fall.

9 Income-Tax Initiative

This proposed constitutional amendment would reduce state income-tax payments by more than 50 percent.

General background: This is the third in a series of initiatives designed to reduce levels of taxation and spending by state and local government in California. The first, the Jarvis-Gann property-tax initiative (Proposition 13), was approved by the voters in June of 1978, resulting in a property-tax reduction of about $7 billion the first year it went into effect. The second, the so-called Gann "Spirit of 13" initiative, was approved by the voters in November of 1979. That measure, which placed limits on state and local government spending, has thus far had little impact because of the extraordinary rate of inflation. Proposition 9, sponsored by Howard Jarvis, is a proposal to make a whopping cut in the state income tax, thereby forcing additional reductions in government spending.

The proposal: Proposition 9 has three main provisions, but only one of them will have any immediate impact. It requires that personal income-tax rates be cut at least 50 percent from the current rate. The other provisions would require full cost-of-living adjustments each year of income-tax brackets and would abolish the property tax on business inventories. These last two provisions are of relatively little importance because the Legislature has already indexed the income tax and abolished the inventory levy. However passage of this proposition would make the tax cuts permanent. As the law now stands, full indexing would cease in 1982. But the Legislature is expected to make the indexing law permanent this year.

The income tax: The personal income tax is second only to the sales tax in the production of state revenue. It is estimated that the income tax will produce $6.8 billion in the 1980 - 81 fiscal year, the first that would be affected if Proposition 9 passes. Tax rates range from 1 to 11 percent, depending upon income. It is estimated by Legislative Analyst William Hamm that the loss of revenue to the state would be about $4.9 billion.

Why $4.9 billion if the loss is supposed to be 50 percent of $6.8 billion, or $3.4 billion? There are two reasons: First, the proposition would cut rates 50 percent but would leave deductions and credits untouched. As a result, the loss in revenue would be about 53.5 percent of collections. Second, the income tax is collected on a calendar-year basis. That means that the tax cut would take effect retroactively from January 1st, and the 1980 - 81 budget for the period starting July 1st would have to absorb 18 months of tax cuts.

The Legislature has been considering a plan to start the reduced tax rates on June 3rd — thereby cutting the first year revenue loss by some $1.5 billion. However, that would greatly complicate tax administration and might necessitate the filing of two returns for the 1980 calendar year.

In the second year of operation, the estimated tax loss would be $4.2 billion. It would thereafter increase by an undetermined amount, depending upon economic conditions in the state and other factors affecting income-tax liability.

Impact: The $4.9 billion projected loss of revenue is equivalent to about 25 percent of the state's general fund income. Stated another way, it is roughly the same amount of money the state is now distributing to local government in Jarvis-Gann bailout funds. It is also more than the amount spent each year for all state operations, as opposed to local assistance.

The big question is how large a state surplus will be available to counterbalance losses from Proposition 9. The best guess is that it will be about $1 billion — higher than was estimated in January when Governor Brown submitted his

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budget to the Legislature. The surplus could be greater, and the state will get some windfall dollars as a result of rising oil prices. But there is no way the state can avoid making substantial budget cuts. How these will be made will be determined by the Legislature and the governor.

What programs will be cut if Proposition 9 is approved? Although the Legislature will be forced to choose from a variety of alternatives, it is clear that the biggest cutbacks in dollars will have to be made in the health, education and welfare sections of the budget. Now, more than half the state's general-fund expenditures are earmarked for education. About a third goes for health and welfare, and the other major item is property tax relief. It will be virtually impossible for the Legislature to come up with at least $3 billion in reductions without cutting deeply into these programs.

Pro arguments: Proposition 9 is supported by Howard Jarvis, chairman of the California Tax Reduction Movement; Arthur Laffer, University of Southern California economist; some legislators of both political parties and many other individuals and organizations.

They argue that passage of the measure is needed to finish the job started by Proposition 13 because lawmakers have not yet cut all the fat in government and brought about major reforms in state and local government. Other contentions:

- Proposition 9 will help curb inflation and will provide a beneficial stimulus to the state's economy.
- The measure will not cripple government services because the state still has a large surplus and will benefit from windfall income from tidelands oil. Passage of this initiative thus will not require heavy percentage cutbacks in expenditures. State and local government now spend some $32 billion, and cutbacks below 10 percent would thus meet Proposition 9 losses.
- The taxpayer is overburdened and needs a reduction in income taxes. This proposal gives those at the low end of the income ladder the largest percentage reductions, although the biggest dollar cuts are for those on the top rungs of the ladder.
- The state should not have been so generous with local government following the passage of Proposition 13, and this proposal will force the Legislature to be less generous. In some cases, local government programs continued to grow despite the enactment of Proposition 13.
- Government should learn to live on less. Major cuts can be made in health, education, welfare and other programs.
- Don't believe the scare tactics being used by the opponents. They are the same stories of gloom and doom told two years ago. They didn't come true then, and they won't come true if Proposition 9 is enacted.
- Although the Legislature has eliminated the tax on inventories and indexed the income tax, this measure is needed to make them permanent and immune from legislative whim.

Arguments against: Proposition 9 is opposed by public-employee organizations, organized labor, the state Parent Teacher Association, the American Association of Retired Persons, economist Milton Friedman of Stanford, and some members of the Legislature.

They contend that the state cannot maintain a livable California if Proposition 9 passes because surplus funds are no longer available and heavy cutbacks will be necessary in vital public programs. Other arguments:

- Howard Jarvis made a drafting error in writing the measure. That's why the state will have to suffer 18 months of income loss during the first year. He also wrote the measure so that the richest 4 percent of Californians will get 40 percent of the tax cuts.
- This is an irresponsible way to conduct government business. If taxes are to be cut, the proponents should also say what programs will be slashed.
- Californians will be hit with a variety of hidden taxes primarily through local fee increases, if Proposition 9 is enacted.
- Proposition 9 will lead to more centralized government. Local home rule will be eroded. More decisions will be made in Sacramento and Washington. The federal government will get about $1.5 billion of the tax cut because of loss in deductions and federal aid.
- Inevitably, the big cuts must be in the health, education and welfare areas. The poor will be hurt the most.
- This initiative comes too soon after Proposition 13 and the "Spirit of 13." The state needs time to digest these measures before swallowing another.
- Senior citizens will get little tax relief but will lose important services.
- Legislation like this should not be placed in the state constitution. It places a straitjacket on the governor and the Legislature.
- Proposition 9 will not lead to the elimination of fat in government. The system just doesn't work that way. Instead, libraries will close; recreational services will be eliminated; health care will erode; college tuition will be instituted; and benefits to the aged, blind and disabled will be cut.

10 RENT INITIATIVE

This proposed constitutional amendment would place restrictions on the imposition of rent controls.

Background: The Jarvis-Gann initiative adopted by the California electorate in June of 1978 gave property owners substantial reductions in their property taxes, but there were no automatic reductions in rents for those Californians who do not own their own residences. Indeed, some tenants did not get any of the benefits of Proposition 13, and some even saw their rents increased in the months following the passage of the initiative. This led to pressure for the imposition of rent controls, first at the state level, unsuccessfully, and then in local communities. The result has been the adoption of rent-control laws in some California communities, including Los Angeles, Santa Monica and San Francisco. This initiative is an attempt to place restrictions on rent-control laws.

The provisions: This proposition would place in the state constitution a strict prohibition against any rent-control action by the Legislature. In addition:

- It would prohibit city councils and county boards of supervisors from enacting rent-control ordinances. Rent control could be imposed only by a vote of the people at the

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local level.

- Each local rent-control ordinance now in effect would become inoperative after the next election in each city or county.
- Any future rent-control measures adopted by the people would automatically expire no later than four years after their adoption.
- Some categories of units would be exempted from any controls — single-family units (except where one owner has more than one unit in the same project); hotels and motels; new units first occupied after the proposition goes into effect; government-assisted projects already under some controls; units vacated by tenants voluntarily or for nonpayment of rent.
- Each local ordinance would be required to allow landlords to increase rents by the annual rate of inflation, with the consumer price index providing the maximum percentage. Additional increases would be authorized to meet the cost of improvements, to offset user fees, to provide a fair rate of return to the landlord, and to prevent hardships.
- A commission must be established in each community with rent control to resolve grievances. The commission could adjust rent increases on a case-by-case basis and would hold disputed funds in trust pending a resolution of each dispute.

Arguments for: Proposition 10 is sponsored by a coalition called Californians for Fair Rents, consisting of the State Building Trades Council, California Apartment Association, California Housing Council, Mortgage Bankers Association, California Building Industry Association and California Association of Realtors.

They contend that rent controls have placed a cloud of uncertainty over the apartment and mobilehome development industry, resulting in a virtual halt in the construction of new units in the state. At a time when California needs affordable housing, they say, investors are afraid to support projects in the state for fear that rent limitations will turn their projects into financial ruins. The solution, they assert, is this sensible compromise which would allow fair rent-control laws to be enacted without strangling the apartment business. Other arguments:

Just as renters should be protected against gouging, property owners should be allowed to get a fair return on their investments. Both sides should be protected against punitive schemes by opportunistic politicians.

The problem with current rent-control laws is that they are unrestricted, and the result is a reduction in jobs, a diversion of capital to other states and a reduction in affordable housing.

What is wrong with allowing local voters to decide whether there should be rent control? And what's wrong with a four-year limit? Economic conditions can change dramatically in four years.

During this time of rapid inflation, it does not seem fair to place restrictions on rents while prices of almost everything else can rise at will.

Arguments against: The campaign against Proposition 10 is being conducted by a group calling itself Californians Against Initiative Fraud. It consists of the California Housing Action Information Network, Tom Hayden's Campaign for Economic Democracy and the Golden State Mobilehome Owners Association. The measure is also being opposed by Mayor Tom Bradley of Los Angeles, state Senate majority leader David Roberti and some labor organizations.

The opponents maintain that the initiative is not at all what it seems to be, that its practical effects would be a virtual elimination of rent controls in the state and that the slowdown in apartment construction was not caused by the fear of rent limitations. They emphasize that the construction slowdown started before rent controls came in vogue and that the real villains are higher land costs and skyrocketing interest rates. Other arguments:

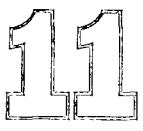
Proposition 10 contains numerous protections for landlords but absolutely nothing for renters. Because of the provisions covering elections, exemptions and return-on-investment requirements, this proposition would make any rent-control ordinance virtually impotent.

Low-income Californians cannot afford present rents, let alone higher ones.

Local representatives should be allowed to solve housing problems in their communities without putting every question to a vote of the people. In any rent-control election, the landlords would be at a tremendous advantage because they can raise campaign funds more easily than can renters.

This proposition would give inflation another shot in the arm — just the opposite of what is needed.

Renters still have not received their fair share of the benefits of Proposition 13.



Oil Surtax Initiative

This proposed initiative statute would enact a 10 percent surtax on the profits of large oil corporations.

Background: The petitions to qualify Proposition 11 for the ballot were circulated by an organization headed by Bill Press, former head of Governor Brown's Office of Planning and Research. It is designed both to reduce the unprecedented profits of major petroleum corporations and to provide funds for the expansion of mass transit and the development of alternative fuels. Unlike most ballot measures, Proposition 11 is a proposed statute and would not be written into the state constitution. However, it could be weakened only by another vote of the people. (The Legislature is specifically authorized to strengthen it.)

California now imposes a tax on the profits of all corporations doing business or owning property in the state. The tax rate for nonfinancial corporations is 9.6 percent of net income. This proposition would levy a special surtax on some corporations that would dramatically increase their annual liability.

Provisions: If adopted, Proposition 11 would levy a 10 percent surtax on the California profits of energy companies, with the exception of public utilities. This would apply only to firms with at least 50 percent of sales from the obtaining, processing, distributing or marketing of oil, natural gas, coal or uranium.

The first $5 million of worldwide income would be excluded from the tax. All California income of firms earning over $10 million would be taxed at the 10 percent rate. There would be a graduating percentage scale for profits between

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$5 million and $10 million.

A 50 percent credit against the surtax could be taken for dollars invested in California for the increased production of refining of crude oil or gas over 1978 levels.

Proceeds from the tax would be placed in the Transportation Planning and Development Account, created last year. The legislative analyst has estimated that the measure would produce between $300 million and $420 million in its first year of operation and about 10 percent more the second year. Half of these funds would be used for improvement of public transit systems, and the other half would be appropriated by the Legislature for development of alternative vehicle fuels and other transportation purposes.

Corporations would be prohibited from passing the tax on to consumers, but there is no mechanism for enforcing this provision. The tax would become effective in the current year.

Because some oil companies have subsidiaries outside the energy field, it is possible that non-energy income of these firms will be taxed.

Arguments for: This proposition is supported by Governor Brown and the California Oil Profits Coalition. It is backed by the Sierra Club, the League of Women Voters and the California Tax Reform Association. The prime rationale for the measure is that the motorists are now paying extremely high prices for gasoline and that the petroleum corporations are greedily accumulating outrageous profits. Some of these funds should be used, according to Bill Press, to support expansion of mass transit, to encourage conservation of energy and to develop alternative vehicular fuels. Other contentions:

The credit provisions will encourage more oil-and-gas development in California, producing more jobs and more energy. The expansion of mass transit will reduce the need for gasoline and provide additional employment. With gasoline prices rising rapidly, California must provide more bus and rail service, and oil-company profits are the proper source of capital.

Oil companies are making unconscionable profits and can afford a 10 percent surtax.

Oil companies claim they are putting their profits into energy development, but the fact is that they are using their resources to buy computer firms, retail stores and newspapers.

Proposition 11 will apply only to about 50 corporations; small companies will not be affected.

Part of the surtax will be deductible from federal taxes. Thus, this measure will help prevent the shipment of funds from California to Washington.

Arguments against: Proposition 11 is opposed by the petroleum industry as well as the California Manufacturers Association, the California Taxpayers Association and Stanford economist Milton Friedman. The basic argument against the proposal is that the oil companies need more income to develop additional crude oil and natural gas. This surtax would put into the hands of government bureaucrats many millions of dollars that should be left in the control of private enterprise, the opponents claim. This proposition would discourage energy development and put the state into the energy business, according to the opponents, and the net effect would be a reduction in economic activity in the state. Other arguments:

This proposition is discriminatory because it would apply only to one industry — and not even to all firms in that industry. It would tax major oil companies at a higher rate than any firm is taxed in any state.

Oil companies should not be forced to pay the bill for rapid transit and alternative-fuel programs.

This proposition has numerous technical flaws: Was it the intention of the drafters that income from non-energy operations be socked with a 10 percent tax (above the 9.6 percent tax already in effect)?

The overall business climate of the state will be affected adversely because of the impact of this extraordinary tax on all corporate boardrooms.

Oil companies are not raking in outrageous profits; other industries are more profitable and they have not been subjected to this kind of criticism.

This measure would discourage smaller companies from growing because they would become subject to this excessive tax.

The tax credit for development is a sham because the state still would return only 50 cents on every tax dollar.

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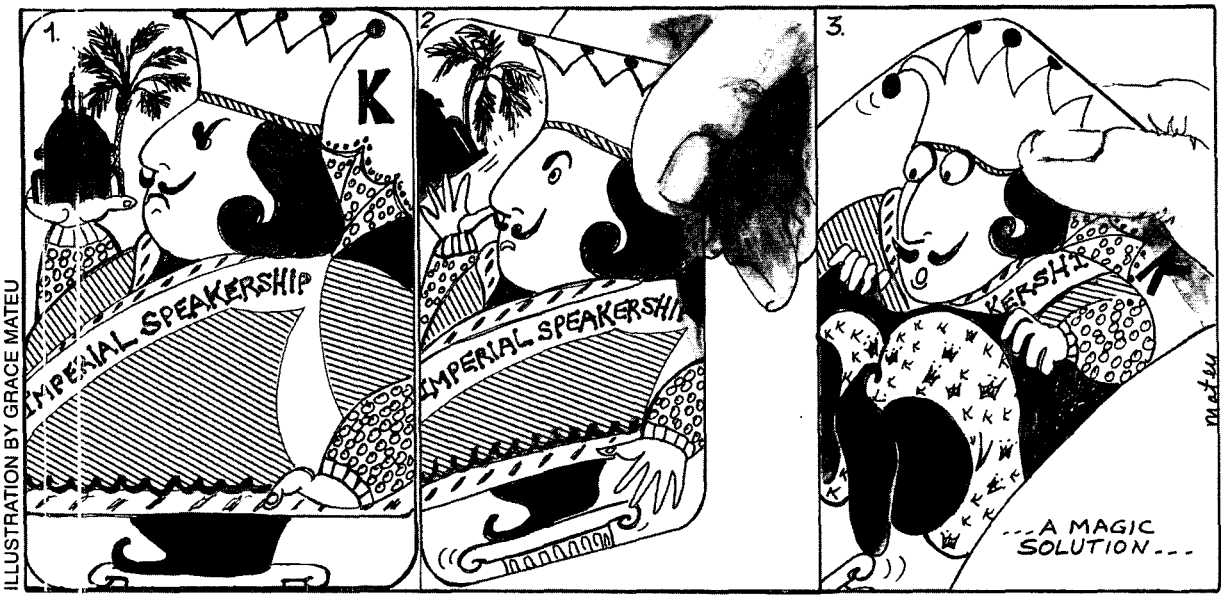

ILLUSTRATION BY GRACE MATEU

Will the imperial speakership survive the assault on government?

By VIC POLLARD

There was a lot of snickering back in March when Assembly Republican Leader Carol Hallet began pushing her proposal to strip the Assembly speakership of much of its power. She would drop that idea in a hurry, Capitol wags predicted, if the GOP happened to win a majority of the Assembly seats in this year's elections and Hallett got a chance at the speakership herself.

But as the duel for the speakership between Democratic incumbent Leo McCarthy and challenger Howard Berman drags on, it is becoming increasingly clear that Hallett may have been more of a prophet than an opportunist. There is growing evidence that, regardless of who is elected speaker next December, the office that has become the second most powerful political post in the state will never be the same again.

The bitter, divisive fight between Berman and McCarthy is playing a big role in dismantling the office whose occupants have put their personal stamps on the public policy of the state for more than 15 years. But the decline of the speakership began well before Berman launched his insurgency last December. It is a reflection of a fundamental shift in the attitude of California voters toward government and established political authority. And it has major implications for the way public policy will be decided in the future.

The office of speaker of the Assembly is a remarkable political creation, with its strength rooted in three interwoven powers:

- ***Under normal circumstances,*** the speaker has nearly complete authority to control the flow of legislation through the lower house of the Legislature.
- ***The speaker also*** handpicks all members of all committees as well as their chairmen and chairwomen. With these twin powers — appointing committees and deciding which bills go to which committees — the speaker can insure the passage, defeat or amendment of almost any measure.
- ***The institutional clout*** of the office has been sharply enhanced by the speaker's ability to raise hundreds of thousands of dollars in campaign funds, contributions that have made the difference in the outcome of many an Assembly race. Lawmakers who have been so elected — which in McCarthy's case means a good-sized majority of the 50-member Democratic caucus — do not easily forget to whom they owe their political lives.

California political lore is rife with stories about things speakers have done — sometimes in draconian fashion — to get their way. Most of the tales involve ex-Speaker Jesse Unruh, who developed the office as part of his effort to put the Legislature on an equal footing with the governor and the executive branch. Unruh earned his "Big Daddy" label for his 1963 overnight lockup of the Assembly when it refused to adopt a budget he supported. The late Assemblyman Vincent Thomas used to say that when a roll call wasn't going the way Unruh wanted it to, the speaker was not averse to walking up to a recalcitrant assemblyman and growling in his ear, "Change your goddam vote."

Most insiders agree that Unruh deserves his reputation as father of the "imperial speakership." "Since Jesse, the speakers have become more and more powerful," says Senate President pro Tempore James R. Mills. "Bob Moretti was much more powerful than Jesse and Leo McCarthy has been even more so." When McCarthy was at the height of his power, a signal from the speaker's office could sink almost any piece of legislation or revive it from the grave.

Despite the inherent power of the office, there have always been some practical limitations. Regardless of their

Vic Pollard covers the Capitol for the Gannett newspapers.

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personal views on the death penalty, both Moretti and McCarthy chose not to buck the overwhelming sentiment of the voters and stand in the way of capital punishment legislation.

But the speakership as it exists today is a shattered remnant of what it was just a year ago. The chief reason, of course, is the revolt by a large block of Democratic assemblymen who want to oust McCarthy and install Berman in his place. At one time, as many as 26 out of the 50 members of the Democratic caucus supported Berman. By the end of March, with an uneasy truce prevailing, McCarthy claimed 28 votes.

For nearly three months, McCarthy held on to most of the powers of his office by persuading his supporters to refuse to vote for Berman, a sharp break with a long tradition of majority rule. With 41 votes needed to elect a speaker on the Assembly floor, that left Berman only with the distasteful option of going hat in hand to the Republicans to fill out the roll call. It was clear that the GOP would exact a high price.

The stalemate continued until mid-March when Berman's key supporters, upset at McCarthy's reprisals and fearful of still more, decided to go ahead and play the Republican card on their own. At least 11 of them agreed to join with the 30 Republicans and support Hallett's plan for a rules change that would replace the speakership with a reconstituted Rules Committee, much like the leadership setup in the Senate. Faced with that ultimatum, McCarthy reversed his previous stand and agreed to restore Assemblymen Richard Robinson and Tom Bane to seats on the Insurance and Financial Institutions Committee. He also agreed not to take any more reprisals against committee chairmen who supported Berman.

McCarthy tried to put the best face on it, telling reporters the move had cleared the air and allowed legislative business to return to normal. But there is nothing "normal" about a modern-day speaker of the California Assembly who cannot fire a committee chairman when he or she defies the speaker.

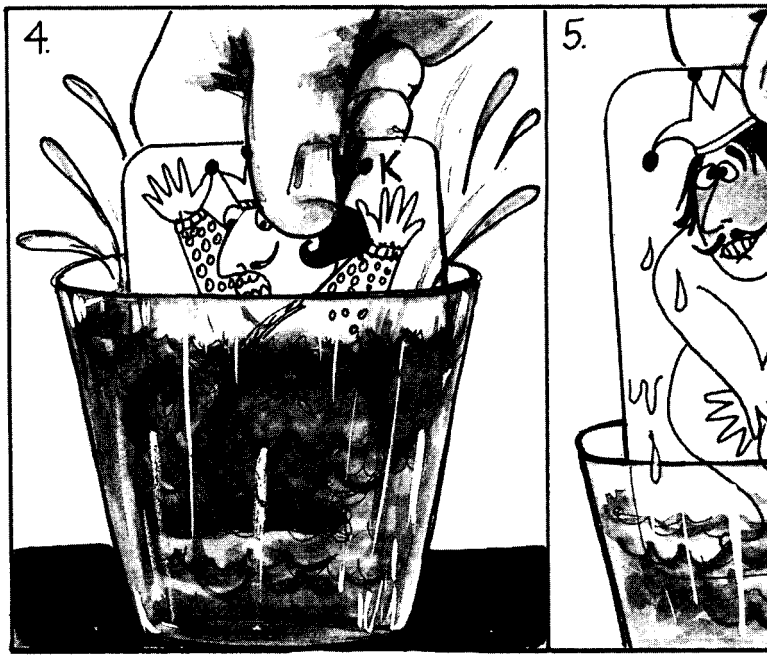
A victim of change

On a personal level, there are almost as many reasons for the revolt against McCarthy's leadership as there are votes for Berman: McCarthy's inattention to fund-raising for Assembly races during his own quest for higher office; his lack of communication with members; his emphasis on environmental controls at the expense of agriculture and other interests. Most of the complaints, however, come from lawmakers who are frightened about their re-election prospects in the increasingly volatile political atmosphere of the state. They would rather have Berman's well-oiled West Los Angeles machine working wholeheartedly for them than McCarthy's fund-raising apparatus with its divided allegiance.

Viewed in a broader context, however, the speakership appears to be falling victim to the rapidly changing political attitudes of the public which are transforming institutions at all levels of government. The most obvious is the kind of sentiment which gave rise to the taxpayers' revolt.

More doubt about the future of the speakership is raised by the way in which the Berman-McCarthy fight has developed. It has been axiomatic that the authority of any political figure depends heavily on the consent of the governed — an unwritten agreement that both winners and losers will play by the rules. When Assemblyman Willie Brown failed in his effort to unseat McCarthy in 1974, he and his supporters grudgingly acceded to McCarthy and accepted the inevitable punishment in the belief that the basic power structure was a good one. And anyway, their turn might come again.

By contrast, when Berman finally gathered up a majority of votes in the caucus, McCarthy and his followers suddenly



refused to play by the rules any more. Thus, regardless of who winds up with the most votes for speaker after the fall elections, it will be hard to argue that the losers should swallow their pride and get in step behind the winners.

In fact, the current climate has spawned a whole Assembly chamber full of sore losers. A similar wave of anti-establishment fervor swept through the Republican caucus last year as the crop of freshmen known as the "Proposition 13 babies" ousted moderate minority leader Paul Priolo and installed conservative Hallett. The most damning indictment of Priolo was that he was too cooperative with the Democratic leadership. For his part, Priolo made no secret of his bitterness, refusing to vote with the GOP caucus on many issues and deciding to retire from politics.

For her part, Hallett has taken the lesson of Priolo's downfall to heart and, with one exception, has steered her caucus on a course of strict non-involvement in the Democratic blood-letting. This hands-off attitude has further undermined the consensus needed to make the speakership work. "One thing that made the speaker so powerful before," says a veteran lobbyist, "was that the Republicans always went along and played the game." Thus, even when some Democratic Assembly members kicked over the traces — as those from conservative Orange County often insist on doing — a speaker could usually count on the self-interest of enough Republicans to get what he wanted. Indeed, on the day in 1974 when McCarthy crushed the Willie Brown revolt, some of the speeches and votes for him came from Republicans. A particularly ringing endorsement for McCarthy came from former GOP Assemblyman Jerry Lewis, who is now in Congress. Part of the reason: Lewis had suffered miserably under the contempt of McCarthy's predecessor, Moretti, who had handpicked Brown to succeed him. "Now that the Republicans won't play," observes the lobbyist, "Leo has to deal strictly with the Democratic caucus, and that ties his hands a lot tighter."

The one exception to the GOP hands-off policy came when Hallett and other Republican leaders saw their chance in March to take advantage of the Democratic disaffection and dismantle the speakership. The proposal was torpedoed when its newfound Democratic friends agreed to drop their support in exchange for McCarthy's concessions. However, the debate and the vote on it revealed that the number of Democrats who question the existing power structure may be too large to ignore for long. The vote to dispatch the Hallett proposal to a "dignified death" in the Democrat-dominated Rules Committee was a bare majority of 41. Seven of the Democrats who had initially agreed to support

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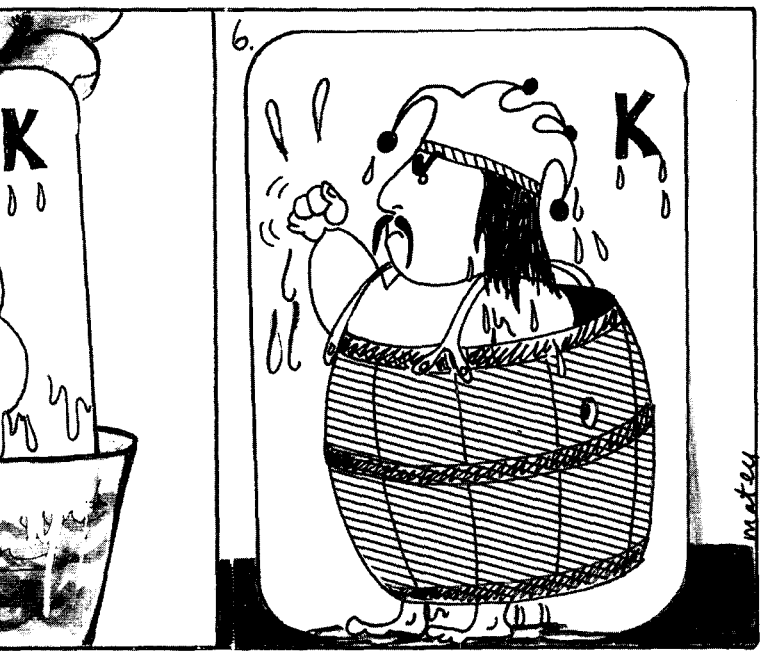

it refused to go along entirely with the McCarthy-engineered deal and abstained on the committee-referral vote.

And during the debate, Democratic Assemblyman Walter Ingalls said, "I am serving notice right now that I will not vote for the rules of this house as they are presently constituted in December." In an interview, McCarthy brushed aside the complaints by Ingalls, whose conservative district and obstreperous personality have made him one of the more consistently rebellious members of the Democratic caucus. "That's something he's been saying for a couple of years," McCarthy said. At least one other comment, however, indicated that there may be an emerging faction of Democratic "Proposition 13 babies" that could signal trouble for McCarthy, Berman or any other speaker. Freshman Democrat Jim Costa of Fresno said, "There are those who are supporting the Republican plan because they are disenchanted with the autocratic speakership and I am one of them."

Obituary-writing

Few Democratic assemblymen are eager to add to the existing tensions by speculating openly about the future. But there are plenty of other knowledgeable observers who are writing the obituary of the all-powerful speakership.

"It will never be the same again," says Mills of the Senate. "I don't think the members of the Assembly will be willing in the future to accept a speaker who tries to exercise as much influence as has been the case in the past." With a characteristically scholarly view, Mills added, "You have to realize that the speakership was created by Jesse Unruh only about 15 years ago It is not rooted in history. It's an unnatural situation that a legislative house would allow itself to be so dominated by one man."

Hallett, too, believes the days of the strong-man legislative leader are numbered. "There are very few people left in the Assembly from the days of Jesse Unruh, so it's a whole new ball game," she says. She believes there is a growing consciousness among the new breed of politicians on both sides of the aisle that "we were elected by constituents who wanted us to work for them, instead of one man."

She believes the signals of the new climate could be seen last year, even before Berman mounted his challenge to McCarthy. The most significant event came when Republicans and conservative Democrats teamed up to pry GOP Senator H. L. Richardson's proposal for tougher rape sentences out of the Assembly Criminal Justice Committee. It was the first time in many years that a speaker had been unable to control that committee, which has been carefully maintained by three regimes as a liberal bulwark against right-wing Senate legislation. But there was also a break in the labor committee, Hallett notes, when Democrat Bruce Young provided the key vote for a bill to curb the powers of Cesar Chavez' United Farm Workers Union.

Despite ample testimony to the contrary, McCarthy insists that the conventional view of the power he has wielded as speaker is overblown. "There has been a general decline in the respect for leaders at all level of government," he says. "What you saw in 1979 was a sort of psychological fragmentation that's occurring in government authority everywhere in the country. There's a contest for power going on right now. There's always a contest for power, but along with that is this psychological fragmentation. The single-issue movement is part of it, the 'me generation,' whatever you want to call it. There's a serious question about whether any leader in a given position will be strong enough to exercise the kind of power that he once did. We may come out of that phase in five or six years, but right now there's a lack of confidence in leaders at all levels."

McCarthy complains that headlines about the Richardson rape bill made it appear as if his leadership had crumbled overnight. In fact, he says, there have been a growing number of bills which escaped from other committees over his objections. "It's easy to write about law-and-order bills," he grumbles. "But what about tax loopholes? There have been billions of dollars in tax loopholes proposed, and occasionally they get through. Why don't you write about that?"

The future form

It is easy to conclude that the speakership has been fundamentally altered, but it is riskier to predict the form in which it will emerge. The outcome will be shaped in large part by the elections this year, in which both Berman and McCarthy are backing competing candidates in some races. An overwhelming victory by one side or the other could put one of them in a good position to consolidate much of the former power of the office. At the other extreme would be a Republican sweep which might or might not mean the enactment of some version of Hallett's proposal. A more likely scenario, however, is that the Democratic caucus will remain badly split and that Republicans will make some modest gains, further curbing the speaker's operating area. That would make it a near-certainty that — regardless of whether the speakership retains its current institutional form — its actual power would be spread more evenly among the 80 members of the house.

Mills believes such power-diffusion is already happening, and it makes life more fun for members of the upper house. "It's obviously very different for us going over and talking to members of the Assembly without worrying so much about the fact that the only important question is what the speaker's position is," he says.

What it means for public policy is not clear, but there are some solid clues. Health industry lobbyists took advantage of the power vacuum created by the speakership fight earlier this year to push through multi-million-dollar rate increases for Medi-Cal providers. To the extent that any speaker is unable to exercise traditional discipline, special-interest lobbyists will have a field day.

The same phenomenon could have important implications for the state's general political direction. With the exception of the two-year hiatus under Republican Robert Monagan, the speakers who have ruled the Assembly for 15 years have been urban liberals. Their enormous power has given the state a basically moderate-to-liberal public policy on a broad spectrum of issues, despite eight years with Republican Governor Ronald Reagan in the corner office. So the question must be asked: Does the increasingly tough-minded mood of the public mean that the institution which created such leaders is obsolete?

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STRICTLY OPINION

*With this column, the **Journal** provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*

Roos Rosenzweig

The victims of educational failure

By PETER D. ROOS AND STEFAN ROSENZWEIG

Under the California Pupil Proficiency Law (AB 3408/76 and AB 65/77) students may not receive high school diplomas without passing locally developed "proficiency" tests in reading, writing and arithmetic. Implementation of this law will produce a flood of litigation.

Outrage at the educational levels of graduating students may well be legitimate, but the solution of denying diplomas is simplistic and inequitable. It does not recognize that most students failing the examination will have suffered from handicaps created by their school districts. These school district shortcomings usually violate legal principles as well as cause harm — yet this new legislation does not address these problems. Instead, it penalizes the victims of educational failure.

Virtually all black and Hispanic students denied diplomas under this law could properly claim that their diploma denial was the effect of past discrimination. Other shortcomings in the legislation will adversely affect non-minority students as well and, since denying diplomas will have serious impact, major lawsuits seem inevitable. Furthermore, successful litigation begets more litigation. A similar law in Florida has already been successfully challenged. There the proficiency test was statewide. In California, however, it is the individual school districts that will face challenges to their locally developed tests. Some of these challenges will be:

- ***Impact of segregation.*** The State Department of Education acknowledged last June that the California proficiency testing program has a "potential for bias and unfairness toward minority" students. Indeed, preliminary results show minority students failing the tests *en masse*, and in shockingly disproportionate numbers. For example, 10th grade results in Oakland (February 1979) show 61 percent of students at predominantly white Skyline High School passing, while passing rates for the largely minority high schools were 17 percent (Castlemont); 18 percent (Fremont); and 16 percent (Oakland Tech). Los Angeles and every other district studied show similar figures.

The Florida federal court decision ruled that similarly disproportionate figures, resulting from past discrimination, particularly segregation, invalidated the test. In California, the State Department of Education reported in 1977 that 59 percent of minority students attended "schools which deprive (them) of an integrated educational experience."

- ***The bilingual gap.*** Federal law requires students with limited English proficiency to be taught in a language they understand. This approach has proven effective both in teaching English and imparting substantive material. In California, bilingual programs are new, so few students subject to proficiency tests have been taught bilingually. In fact, most schools still fail to offer legally sufficient bilingual programs. The impossibility of disentangling language-minority students' test results from their districts' failure to provide adequate bilingual programs will give students a strong claim that diploma denial perpetuates past legal wrongs.

- ***The tests' validity.*** Legally, tests adversely affecting minorities must be validated by being proved both fair and non-discriminatory. Since proficiency tests in most California districts will disproportionately deny diplomas to minorities, the many districts whose tests are invalidated will face legal challenges. Last June, the State Department of Education reported that districts lacked the technical skills effectively to assess proficiency and acknowledged itself as lacking sufficient staff to offer assistance.

- ***The* Serrano *question.*** The California Supreme Court's 1976 *Serrano* ruling that differences "in expenditure per pupil among school districts cause and perpetuate substantial disparities in . . . educational opportunities" will allow children from poorer school districts to claim that while any wealth discrimination persists they cannot be tested.

- ***Phase-in time.*** In Florida, four years' notice to students was ruled necessary before changing graduation requirements. Last December, the Assembly Subcommittee on Educational Reform was told that California students would at best have three years' notice of new requirements. This short notice is aggravated by California districts' having individual tests. Since 20 percent of the state's population moves each year, many children will take tests in school districts with an unfamiliar curriculum. Migrant students, already facing severe problems, will suffer most.

- ***Standards for handicapped.*** The proficiency test legislation lets school districts require different graduating standards for handicapped children, notably the retarded. Few courts are likely to see the logic of granting handicapped children diplomas while denying them to students with higher, if not perfect, levels of competence.

The legislation poses even further problems. For example, the remedial educational provisions frequently cannot be implemented due to Proposition 13 cutbacks. Proficiency testing is designed to start in grades 4 through 6, with remedial teaching where needed. It is inconsistent with this intent to deny diplomas to students who have had neither early testing nor remediation.

One of the "key assumptions" behind the proficiency law is that denying diplomas will create parental participation. However, the state education officials have testified that district failures to promptly schedule parents' conferences risk" . . . defeating one of the primary purposes of the law — that remedial instruction begin as soon as possible after pupils fail initial assessments."

Clearly, this legislation demands thorough reconsideration. Until this happens, the diploma sanction must be removed. If it is not, large groups of children will suffer unjustly, and school districts will be flooded by litigation.

Peter D. Roos is an attorney with the Mexican American Legal Defense Fund, and Stefan Rosenzweig is an attorney with the Alameda County Legal Aid Society.

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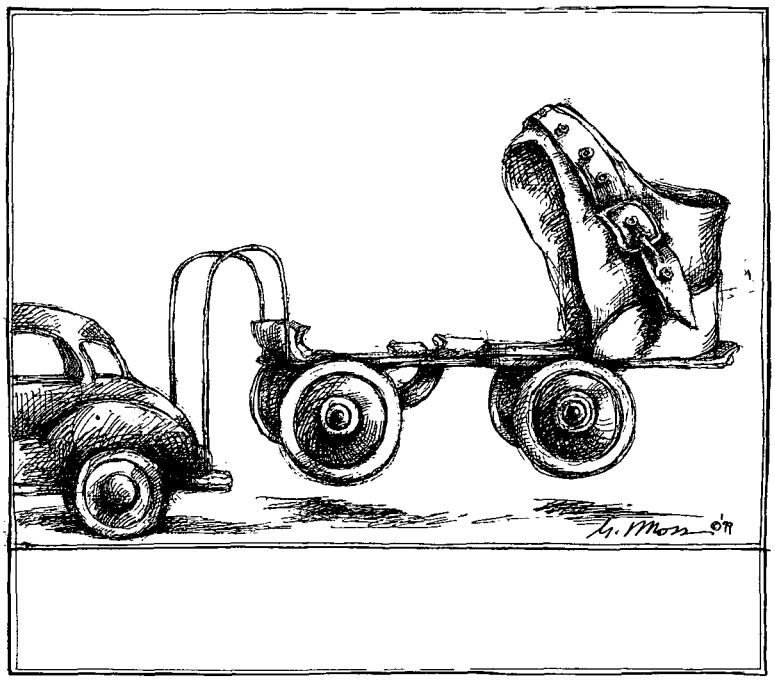
Hazardous driving ahead for state transportation programs

By DAN WALTERS

It wasn't too many years ago that the great debate in transportation circles was how to spend several hundred million dollars in reserves that the Brown Administration had accumulated. The administration's critics castigated transportation director Adriana Gianturco for "banking," rather than spending, the money.

But almost overnight, the tone of that debate has changed radically. The energy crunch, soaring inflation, federal spending cutbacks and other factors are producing now the likelihood that the state soon will run short of transportation money. That means not only that the already depressed level of highway construction may drop more, but that the mass transit programs favored by the administration could be jolted by sharp reductions in their capital and operating funds. Rob McCleary, an analyst for the California Transportation Commission, calls it "a pretty bleak picture."

Gianturco disagrees with some of the gloomy projections made for the commission by an independent consulting firm but agrees that the financial situation for transportation programs is not bright. "We face a lot more uncertainty now," Gianturco says, "both on the state side and the federal side."



Getting and spending

Transportation is one of the state's most basic responsibilities. Transportation-related services such as highways, drivers' licenses, auto registration and ticket-writing highway patrolmen comprise the average Californian's most direct contact with state government.

Transportation takes a big bite out of the state budget — well over a billion dollars a year. And, it should be said, fewer things in government are more complex. Federal, state and local governments have erected a crazy-quilt system of financing transportation. The money comes into the programs from gasoline taxes based on gallonage, gasoline taxes based on price, drivers' license fees, truck weight fees, auto registration fees and other sources.

The process of spending the money is even worse. There are dozens of federal programs to send money to states and local governments — each grant carrying a different set of restrictions and matching requirements. The state has its own stew of programs for spending money on its own projects and those of local governments. And since transportation projects — especially highways — represent power and influence in local communities, the Legislature tries to control spending as much as it can. There is, for example, a law that requires 60 percent of the state's highway construction money to be spent in Southern California and 40 percent in the north.

Everything worked pretty well as long as there was a lot of political support for new highways and soaring gasoline sales kept increasing the pot of money. Legislators such as ex-Senator Randolph Collier, who carried the title "father of the freeways," and the state's so-called "highway lobby" of contractors and construction unions successfully expanded the state's highway network throughout the 1950s and 1960s.

"We were fat, dumb and happy," says a highway engineer whose imprint is on dozens of soaring bridges. What was then the Division of Highways was dominated by engineers whose mission was to build more and more highways. The federal interstate program — which would pay for more than 90 percent of the costs of new freeways — spurred the highway builders to new heights of production. The state was criss-crossed with what is generally regarded as the finest system of highways in the world.

Little thought was given to non-highway or non-auto transportation systems. The few passenger trains serving the state were being rapidly eliminated by their operators and no one — except for some commuters on the San Francisco Peninsula — minded much. California, after all, had gained national fame as the land of the automobile.

End of an era

All of that began to change in the early 1970s. The first Arab oil crunch which sent prices upward and gas lines outward produced the first ripple of discontent. The sales tax was extended to gasoline on top of the state's 7-cent-a-gallon fuel tax and the proceeds were earmarked to help local bus systems operate. No one thought much about that sales tax. With gasoline prices running about 35 cents a gallon, the tax added only a couple of cents to the price.

Enter Jerry Brown. He had given few clues about his

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attitude toward transportation before being elected in 1974, other than a vaguely environmentalist bent that indicated opposition to expansion of the freeway system.

There was no immediate signal that there would be a fundamental change. It wasn't really until Gianturco arrived as transportation director four years ago that the administration's attitude became fully evident. Gianturco — tough and tough-talking — let it be known that she wanted to create a multi-modal transportation system for the state. The dreams of highway builders, she said, would remain unrealized. The state would give highest priority to maintenance and rehabilitation of its existing system — a chore that would become more costly as the freeways began to age — and to the development of mass transportation programs. The era of one-man, one-car was about to end in California.

Not that Gianturco was able to implement her ideas immediately or easily. She became the Legislature's favorite target of vitriol. Pro-highway legislators called her "Giant Turkey" and her occasional appearances before legislative committees became the best shows in the Capitol.

Gianturco gave as good as she got. She fought with legislators and with the pro-highway members of the California Highway Commission, most of whom had been appointed by Ronald Reagan. Early in the administration, the state had reduced the Department of Transportation by several thousand workers — many of them engineers — to reflect a lower level of highway construction.

Shortly after Gianturco took over Caltrans, it was discovered that the staff reductions, combined with a short freeze on construction, had created a surplus of several hundred million dollars in the state highway fund. For three years, Gianturco and her critics fought over that surplus. She said the money should be spread out over several years to avoid a "boom and bust" construction program. The critics argued that "banking" the money would leave it eroded by inflation. The Highway Commission at one point tried to increase construction over her objections. She won that battle by default.

One of Gianturco's sharpest critics, Assemblyman Walter Ingalls, rammed through legislation that created a new Transportation Commission to succeed the Highway Commission and involved the Legislature, for the first time in decades, in determining directly the level of spending.

The debate continued, with Gianturco winning most of the time. She was forced to concede on a few highway projects, but for the most part she was able to redirect money into the areas she considered more important than laying new ribbons of concrete throughout the state.

Winning her point

Gianturco won her point, perhaps for all time, a year ago when the state was buffeted by a new gasoline crisis. Suddenly, the drive for more highways was muted. Suddenly, formerly pro-highway legislators began discovering the virtues of mass transit. And suddenly, there appeared a potential, if not current, crisis in financing transportation programs.

The administration had laid out a $7 billion-plus, five-year transportation program, known as the State Transportation Improvement Plan or STIP. The plan, updated annually, is required under the Ingalls law that restructured the Highway Commission into the Transportation Commission.

Gianturco, on behalf of the administration, insisted that the income and outgo of the plan were balanced. The once-controversial reserves, she said, would be absorbed into the plan as it provided what she called a "level" program avoiding both spurts of construction and sharp cutbacks.

But the Transportation Commission proved itself to be only slightly less rebellious than the old Highway Commission. It hired Arthur Young and Company, a nationally known accounting and consulting firm, to examine the STIP. Young concluded that Caltrans had mis-estimated both revenues and the effects of inflation on construction costs. Moreover, the consultants concluded, Caltrans' internal organization was incapable of delivering the program as outlined and already approved.

Young said that the program would fall at least $400 million short of financing, even if it could be built. The next version of the STIP would be $325 million short, Young said. Almost simultaneously, the legislative analyst's office concluded that the five-year STIP would fall $200 million short.

Gianturco disputed those conclusions. Young and Company made some miscalculations themselves, she charged. "We are arguing over projections that were made a year ago," Gianturco said during an interview in her office. "It really boils down to methods of accounting." At most, Caltrans told the Legislature, the STIP might fall $20 million short. Gianturco described that as "not significant considering that the total expenditure plan amounts to $7.3 billion."

Taxing other taxes

While the accountants argue about numbers, however, the policy makers agree that even without the alleged shortfall, transportation programs face a rocky future in California.

The most immediate threat to financing of transportation programs is an initiative being circulated by California's service station operators to abolish the once-tiny sales tax on gasoline. As gasoline prices have quintupled during the past decade, the 7-cent-per-gallon state fuel tax has remained unchanged. If anything, revenues from this source are declining because California motorists are buying less gasoline than they once did.

But the sales tax — pegged to price rather than gallonage — has boomed. It amounted to less than two cents a gallon when first levied but has risen, with prices, to eight cents and may hit 12 cents before the year is out.

The sales tax is levied not only on the price of the gasoline itself but on the state and federal gallonage taxes — a tax upon a tax. Some of the money goes into mass transit, as originally intended. But the "spillover" goes into the state's general fund to help finance schools, hospitals, welfare bene-

O'Keefe versus Diridon for Santa Clara Senate seat

Cupertino City Councilman Dan O'Keefe defeated Republican Party organization candidate Gloria Hom to assume the favorite's role in the special-election contest to replace former state Senator Jerry Smith of Santa Clara County. Democrat Smith resigned from the Legislature to accept an appointment to the Court of Appeal.

O'Keefe will face Democrat Rodney Diridon, a Santa Clara County supervisor, and Libertarian William White in the runoff consolidated with the June 3rd state primary election. The Republican vote was especially heavy in the 12th Senate District because of the spirited race between O'Keefe and Hom, a college professor. Diridon faced only token opposition. The district is considered marginal because it was held by a Republican for many years before Smith won the seat six years ago.

Results of the unofficial canvass: O'Keefe, 18,227; Hom, 17,786; Diridon 11,567; William Kiely Jr. (D), 3,570; Shirley Hendrickson (D), 2,772; Shelley Williams (D), 2,696; White, 1,458; Jack Armstrong (D), 1,255.

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fits, property-tax relief and a variety of other programs.

Gianturco and Ingalls, who agree on little else about transportation, are fearful that the initiative will qualify for the November ballot and be passed by voters who are being hit by gasoline price increases regularly. Ingalls is trying to head off the initiative with a legislative proposal that would take some of the sting out of the gasoline sales tax.

His proposal — a constitutional amendment and implementing legislation — would do three things:

- Place a ceiling on gasoline sales taxes so that the bite won't increase as prices increase;
- Eliminate the tax-on-a-tax;
- Require that all of the proceeds go into transportation programs. That would have the effect of taking more than $200 million annually away from the general fund and indirectly increasing money for highways and mass transit.

The loss to the general fund produces frowns on the faces of administration fiscal planners, who already are looking at severe cutbacks if Proposition 9, the Howard Jarvis income-tax initiative, is approved on June 3rd. But Ingalls is telling the administration that his measure is more palatable than the service station operators' initiative, which would reduce transportation and general fund revenues by more than $800 million. "It takes away from the general fund only money that was never intended to go into the general fund in the first place," Ingalls says.

The federal flow

Even if the dispute between Arthur Young and Caltrans were to be resolved and the service station operators' initiative headed off, transportation financing in California still would be an uncertain element. Most of the money to build highways and operate transit systems comes from the federal government. And that money is about to be sharply curtailed because of the Carter Administration's efforts to reduce federal spending and balance the budget as an anti-inflationary measure. Carter intends to trim $400 million in highway funds from next year's federal budget.

That means, Gianturco believes, that California will receive about $100 million less than it planned. The state, she is complaining, is bearing an unfair proportion of the federal cuts. "We realize the importance of reduced spending to control inflation at this time and support President Carter's efforts to balance the federal budget," Gianturco says. "However, the method being used by the federal Department of Transportation to allocate the remaining (money) among the states causes an even greater hardship on California and is in our opinion, grossly inequitable."

And finally, there is the uncertainty posed by Proposition 9 itself. If the Jarvis II income-tax initiative is approved by voters, many legislative observers expect the Brown Administration to renew its proposal to remove the restrictions on highway and other transportation funds.

The administration has long advocated merging the special funds with the general fund, requiring each proposal for spending to compete with every other proposal. That would take a constitutional amendment that already has been introduced in the Legislature. Ingalls and others who want to spend more, not less, on transportation will fight such proposals. They fear that removal of the restrictions will erode transportation spending — especially highway spending.

And that is why Gianturco is opposing Ingalls' proposal to restrict the gasoline sales tax. That would erect more barriers around transportation spending, she says. "I don't like the idea of getting more rigid when we need more flexibility," Gianturco says.

But the administration may find itself within a few months accepting the Ingalls proposal — if the alternative is the service station operators' initiative that Gianturco calls a "disaster."

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Why the state has been slow to develop geothermal energy

By Cynthia Willett

ILLUSTRATIONS BY BILL McGUIRE

In theory, almost everyone is in favor of more intense development of California's geothermal resources as a partial solution to the state's energy shortage. But the pace of development has been exceedingly slow, and California now obtains less than 2 percent of its energy needs by tapping heat beneath the surface of the earth. Potential developers claim that a lack of fiscal incentives and burdensome regulatory policies combine to stifle rapid growth of the geothermal industry.

Geothermal power systems harness the natural heat present within the earth to create energy. California boasts about 70 percent of the nation's known geothermal resource areas; Nevada, Utah, Idaho and New Mexico also are richly endowed.

The problem areas

Although it's hard to judge the extent of California's geothermal energy potential, a conservative estimate of 15,000 megawatts (roughly equivalent to 15 nuclear plants) probably wouldn't be far off. But development and construction of geothermal power plants are beset by several problems. Among them:

- **The state's regulatory process.** In the past, before drilling could occur, an environmental impact report had to be filed with the state Energy Commission. Then, if a company decided to develop a field, it had to go through the permitting process, first filing a notice of intention and later an application for certification for power-plant approval. That lengthy process should be reduced somewhat by a bill (SB 674) by Senator John Holmdahl enacted into law in 1979. Once approval is granted by the Energy Commission for a geothermal plant, an applicant may now begin construction, rather than having to wait the 12 months previously required.

- **Local resistance.** There are regulatory problems at other levels of government. Unlike many other states, California's local governments play a major role in determining land-use policy, which can affect geothermal development. Particularly in The Geysers region, local officials have resisted further geothermal development, quibbling over relatively minor issues like transmission-line routing.

"Even though you may have passed federal and state standards, it's no guarantee the local counties will approve it (development of a field)," says Gene Suemnicht, Union Oil Company geologist. "There have been a lot of cases up here in The Geysers where the local governments have stopped development cold."

- **High costs of exploration.** Drilling projects necessary for development of a geothermal field require huge amounts of capital. For developers to come up with a "discovery" well which can produce power, they must first invest from $5 million to $10 million in preliminary drilling.

Because of high costs, almost all major development is being done privately, usually by oil companies. Pat Wright, president of Western Energy Services, says that geothermal is "just an extension of the oil and gas industry, because the same types of activities are involved in both."

Union Oil is the leader in the geothermal field as the principal controller of development at The Geysers. Shell, Aminoil, Chevron, Magma, Thermal and Thermalgenics are the other main developers in the field.

- **Environmental costs.** Probably the biggest disadvantage to geothermal energy is that it releases noxious hydrogen sulfide emissions. Lake County residents frequently complain of the rotten-egg smell of the emissions emanating from The Geysers. To keep odors at acceptable levels, developers must add special scrubbing equipment to plants, resulting in higher costs.

- **Federal leasing policies.** Another obstacle to geothermal development is the federal government's leasing policies. Most of the land with geothermal potential in California lies on federal land. But until 1970, when the Steam Act was passed, the federal government had no provision for the leasing of land for geothermal energy production. Now, 10 years later, there's been little change in leasing policies.

Cynthia Willett wrote "The next speaker? Probably Howard Berman" in the November 1979 Journal.

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Both the Bureau of Land Management and the U.S. Forest Service are criticized by developers for their go-slow approach to leasing geothermal lands.

Similarly, there are federal restrictions on the number of interlocking geothermal-resource acres that a single company can hold. Developers say they need large parcels of land for efficient production; they insist that the current 25,400 acreage limitation is unrealistic.

Great promise

Presently, geothermal energy is being used only for generating electricity. But there appears to be great promise for direct heat applications when the geothermal well water is at a temperature of less than 150° centigrade. Direct heat could be used for physical and chemical processing, indoor heating and melting snow off highways. Cost of direct-heat applications is lower than generation costs, because wells don't have to be as deep. But the wells must be within three to five miles of the location of the water's use.

So, in spite of its potential, geothermal power is still a big question mark in California's energy future. Until more of its regulatory and economic problems can be overcome, geothermal beds will remain largely an untapped buried treasure.

What is it? Where is it?

Geothermal energy comes from heat inside the earth, created primarily from volcanic activity. Today only hydrothermal (hot water or steam) systems are in use, but there are other forms of geothermal power that may be feasible in the future:

Volcanic rock heat: Both dry and molten rock may be tapped someday as energy sources but development would require costly drilling at depths of nearly two miles.

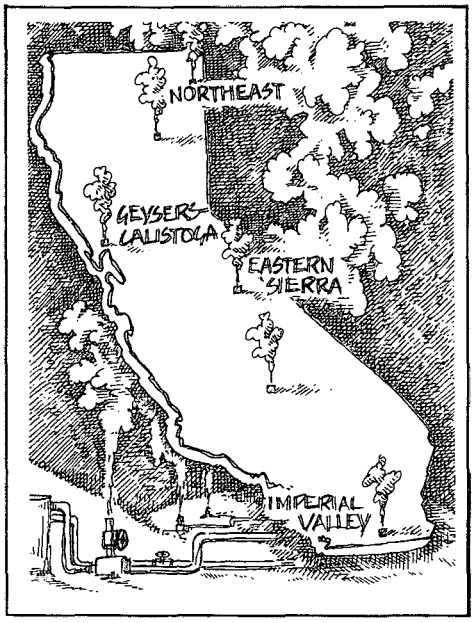
Geopressure: Pressurized hot water reservoirs under sedimentary basins have been identified off several Gulf Coast states. But again, drilling at great depths would be required.

Super-heated steam: The Geysers area is one of only about a dozen identified sources in the world of this efficient energy source. The steam passes through a screen to remove rocks and other particles and then is fed directly to turbines to generate electricity.

Four areas in California hold the greatest promise of geothermal potential:

- **The Geysers** — With a plant in operation since 1960, The Geysers is the only commercial geothermal electrical-generating facility in the country. Development is financed by private companies, primarily in Lake, Sonoma, Napa and Mendocino counties.

Pacific Gas and Electric Company, marketing the power, now has 665 megawatts on line. Another 69 megawatts are either under construction or in the permit process, and the region's total capacity could be as high as 3,000 megawatts. Hot water resources also have been identified in the surrounding Geysers-Calistoga area; they could yield an additional 2,000 megawatts. However, local disputes over transmission-line routing and concerns over hydrogen sulfide emissions have caused delays.



- **Imperial Valley** — More development has occurred in the Imperial-Riverside counties area than anywhere else in the state except for The Geysers. So far, only one 10-megawatt demonstration plant has been built, but several more are proposed, and an estimated 4,500 megawatts could eventually come out of the region.

Major stumbling blocks exist before full development can be achieved. In addition to the usual expense of hot water geothermal energy, the area's highly corrosive, saline water necessitates the use of special, high-cost technology. Also, hot water technology requires large amounts of cooling water, and water is a precious commodity in arid Southern California. Controversy over transmission line corridors and the possible dangers of subsidence from geothermal plants further endanger development.

- **Eastern Sierra** — This area — including Mono, Inyo and San Bernardino counties — is believed to hold great promise for future geothermal electrical generation. Estimates of the region's hot water potential range from 7,000 to 10,000 megawatts.

- **Northeast Region** — Although a potential of 2,200 megawatts exists, no plans are currently underway for geothermal-powered electricity generation in the counties of Shasta, Siskiyou, Lassen, Plumas, Tehama and Modoc. Some experiments with small-scale, direct-heat applications have been tried, such as a geothermally heated greenhouse in Susanville.

Newsmakers

The state Fair Political Practices Commission fined state Senator **Bill Greene** of Los Angeles a record $36,000 for failing to report $40,400 in campaign contributions and expenditures in the proper manner. The penalty was levied against Greene, his campaign committee and treasurer. The senator said he had been misled by members of his staff and that he signed reports without adequate review . . . Assembly Speaker Leo McCarthy appointed Assemblyman **John Vasconcellos** of San Jose as chairman of the powerful Ways and Means Committee. Vasconcellos succeeds Dan Boatwright of Concord, who is running for the state Senate.

A fifth member of the South Coast Regional Coastal Commission, Supervisor **Harriett Wieder** of Orange County, has been identified by the *Los Angeles Times* as a recipient of campaign contributions from developers with projects pending before the commission. Governor Brown removed from the panel **R. James Walsh,** who had admitted seeking contributions from applicants after the commission had acted on their cases . . . **Barton W. Shackelford,** president of Pacific Gas and Electric Company, announced that the firm is delaying construction of its proposed Montezuma coal-fired power plant because of reduced demand for electricity.

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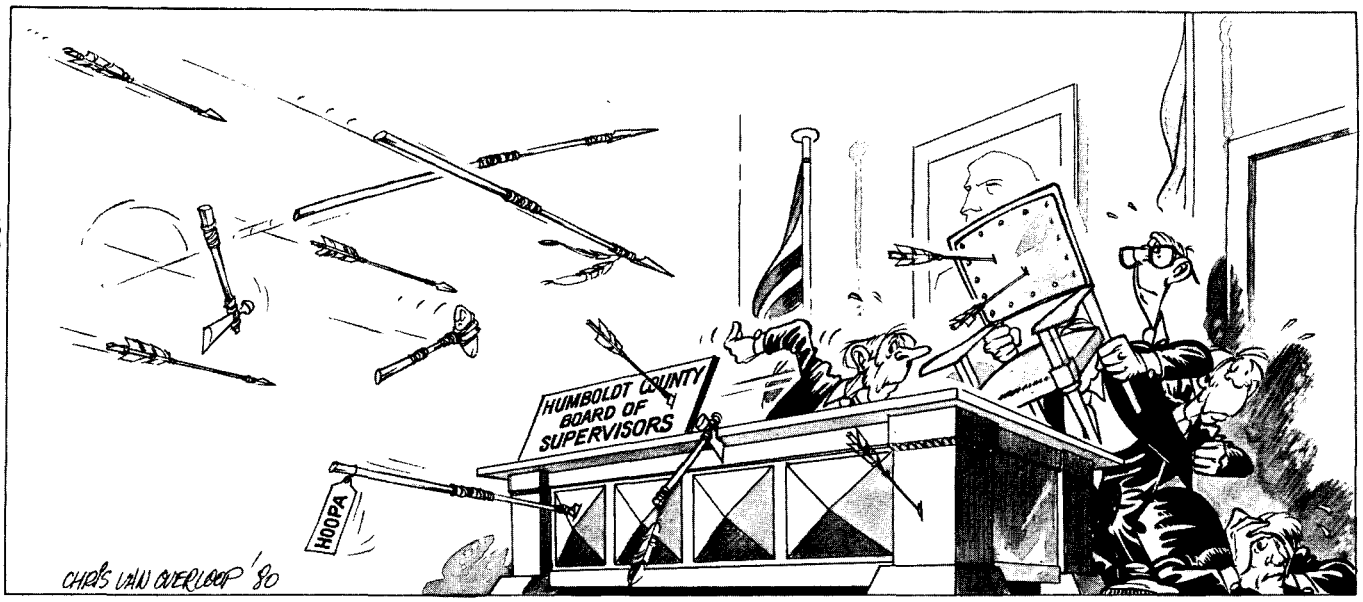

ILLUSTRATION BY CHRIS VAN OVERLOOP

HUMBOLDT'S HOWELL INITIATIVE

Son of Prop. 13

By Bill Green

Many local governments got caught with their pants down when Proposition 13 was passed. In the scramble to find new ways of financing the everyday costs of local government, penny-pinching city councils and boards of supervisors quickly discovered that the fees they were charging fell far short of recovering the costs of the services provided in return. Accordingly, many fees went up.

Humboldt County (population 100,000) was one of dozens of governmental entities which raised its charges. But angry developers, rejecting the "user-pay" theory, declared that what had gone up must come down, and they devised a Proposition 13 of their own. A simple, three-sentence declaration, known as the Howell Initiative, won approval of 69 percent of Humboldt County voters last November.

The initiative did three things:

- It rolled back all county license fees, permit fees, charges and/or assessments to 1975 - 76 levels.
- It repealed all fees and charges not in effect in 1975 - 76.
- It mandated that any future fee increases must be approved by a majority vote of the public.

The initiative's author, realtor Ed Howell, obviously struck a responsive chord when he accused local government officials of "making an end run" around the intent of the original Jarvis-Gann initiative. The result of Howell's success has been a loss of revenues to the county estimated to be about $4,000 a day. By the end of its first year, the loss to the county will come to nearly $1 million dollars, officials predict. It does not affect fees in incorporated areas.

Howell and his backers were irked primarily by huge jumps in the county's planning and building fees. A simple use permit from the planning department, once priced at $10, jumped to $150 after Jarvis I. Applications for zoning changes rose from $50 to $350. Instead of a nominal $15 charge for filing an appeal of a planning decision, a $150 - 200 fee was assessed.

Bill Green is a reporter and assignment editor for KVIQ-TV in Eureka.

But the Howell Initiative changed all that — as well as hundreds of other county fees ranging from monthly sewer charges to the cost of using a copying machine at the county courthouse. County officials admit they are finding new ramifications of the measure every day. County Administrative Officer Robert Hendrix believes the public was unaware of the initiative's full impact when it was approved. Among the "grey areas" Hendrix points to:

- ***Does the fee rollback*** also apply to negotiated contracts and franchises which, for example, allow garbage companies to raise their collection rates according to the consumer price index?
- ***Can the board of supervisors*** sign an agreement with Hughes Airwest and other airlines for previously nonexistent landing and tie-down charges at the Eureka/Arcata airport? Or should the airlines be allowed to reap a windfall in fees it otherwise would be charged? Hendrix has advised against entering the contract.
- ***Is it legal for the county*** to rent out buildings and lease county-owned lands at prices below the current fair market value? Might such rents and leases be considered a gift of public funds and thus prohibited by the state constitution?
- ***Are sliding-scale fees*** — charges which vary according to income — affected by the initiative?

Officially, the Humboldt County Board of Supervisors has maintained a posture of support for the initiative, vowing to implement the voters' mandate despite any personal misgivings. But privately board members were relieved when they were named in December as defendants in a lawsuit under which the Howell Initiative will be tested in the courts. Humboldt County's three Superior Court judges have disqualified themselves, but Judge Frank Peterson of neighboring Del Norte County or Judge John Golden of Lake County is likely to hear the suit. The plaintiff is the Community Health Association of Hoopa (CHA), the governing board of the county-owned Hoopa Medical Center (HMC). Hoopa sits in the center of the Hoopa Valley Indian Reservation and poses a special problem for Howell Initiative advo-

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cates. The medical center is now operating under a temporary injunction that exempts it from the Howell rollback, because HMC officials say that to apply the fee schedule of 1975 to today's medical expenses could force the hospital to close. Hoopa provides the only hospital care for the reservation and other residents in a 50-mile radius. With a history of money problems and instability, the medical center finally raised medical charges in 1976 for the first time since 1950. Thus, a return to the 1975 level would actually mean returning to a 30-year-old fee schedule at Hoopa, and a choice between closing the hospital or providing a half-million dollar subsidy annually from the county general fund.

The blank tape

Days before his popular measure was slated to go into effect, Ed Howell died of a heart attack. But initiative backers who survived him have charged the county supervisors with using the hospital as a whipping boy to break the initiative. Howell himself was quoted at his last public appearance before the supervisors as promising to "campaign the length and breadth of the county (for Hoopa hospital fee reinstatement) if it were placed on the ballot" in accordance with the initiative's provisions. Curiously, the tape recording of that supervisors' meeting is blank. Because it was thought to be a potential piece of evidence in the upcoming trial, initiative advocates have made the obvious comparisons to ex-President Nixon's 18½-minute gap on a tape relating to the Watergate break-in. A three-week grand jury investigation concluded that a faulty tape recorder was to blame.

Instead of putting the Hoopa fee issue to the voters, the lawsuit to exempt the hospital has been expanded into a challenge of the entire initiative. "We don't want to be the martyrs for the county on this," says Warren Jensen, a staff attorney for Stokes, Steeves, Calligan and Warren, the firm retained by CHA. But, he says, widening the scope of the original suit "will allow us to raise legal arguments that may not otherwise be available." The attorney says he will cite a series of rulings which deny the electorate direct power to perform "administrative functions" by popular vote. Jensen says the courts have held the establishment of tax levels is not a subject for the initiative process under the state constitution. "It's kind of a technical argument," he says, "but we think it's a strong one."

Initiative sponsors are faced with another unanticipated result of their effort. One of the county-operated sewer districts has been under cease-and-desist orders from the North Coast Regional Water Quality Control Board. This has produced a moratorium on sewer hookups and prevented any possibility of new residential or industrial development in the district. So monthly sewer rates had been scheduled to rise from $7 to $9 to finance the upgrading of wastewater facilities. Yet under the Howell rollback, the fees went down to four dollars. The sewer district now faces the real threat of bankruptcy and, still displeased, the Water Quality Control Board has asked the state attorney general for possible prosecution and fines of up to $10,000 a day. A citizens' committee in the district has little hope that it will pass, since the entire county must decide the issue.

Rolling back

Initiative proponents are convinced that county officials are collaborating with opponents of the measure to have it struck down by the courts. A month before the election, County Counsel Raymond Schneider issued an opinion that the Howell Initiative was unconstitutional and would not stand a court challenge. Schneider says the measure "attempts to usurp or delegate authority exclusively vested in boards of supervisors and therefore conflicts with state constitutional provisions. But initiative backers insist it is a valid law, approved through the sovereign power of the people guaranteed under the state constitution's initiative and referendum provisions. Says realtor Jack Provolt of efforts to defeat the measure: "They might just as well challenge our right to vote." Recently Howell's widow Elaine formed an "Ed Howell Committee" to intervene in the court suit on behalf of the initiative.

All this has prompted Chief Administrative Officer Hendrix to offer a ballot measure of his own. Voters in June will get a chance to roll back the rollback: The Hendrix measure would apply the Howell Initiative only to planning, building, zoning and agricultural fees, the charges which spawned the local fee revolt in the first place. Hendrix hopes the past several months of confusion have helped to "enlighten" the public on the unseen consequences of the Howell rollback. "It's bad law," says Hendrix, who regards it as more of a frustration-inspired slap at inflation than a realistic method of curbing government spending. His view is shared by board chairman Sara Parsons, who says she will not run for re-election in June, partly because of frustrations arising from the Howell Initiative and Proposition 13. "I think," Hendrix says, "that if you put an initiative on the ballot that would roll back grocery-store prices, people would vote for that, too."

Roster Update

The following additions and alterations should be noted to the California Journal Roster and Government Guide published in the February issue:

David E. Pesonen is the director of the Department of Forestry.

Add the following commissions:

Native American Heritage Commission
Victoria L. Roberts, acting executive secretary
1400 Tenth St., Sacramento 95814
(916) 322-7791

Transportation Commission
Michael Evanhoe, executive secretary
1120 N St., Sacramento 95814
(916) 445-1690

Legislative committee changes:

Senator **Barry Keene** (D) is no longer a member of the Agriculture and Natural Resources and the Health and Welfare Committees. He has been added to the Insurance and Financial Institutions Committee.

In the Assembly, **Hannigan** (D) is no longer a member of the Agriculture Committee and **Kelley** (R), **Mori** (D) and **Perino** (D) have been added to the panel. **Roos** (D) is now the chairman of the Elections and Reapportionment Committee, and **Deddeh** (D) is no longer on the panel. **Bane** (D), **Johnson** (R) and **Robinson** (D) have been added to the Finance, Insurance and Commerce Committee.

Ryan (R) is the chairwoman of the Local Government Committee. **Wray** (D) replaced **Perino** (D) on the Public Employees and Retirement Committee: **Dennis Brown** (R) replaced **Naylor** (R) on the Resources, Land Use and Energy panel. **Vasconcellos** (D) is the chairman of the Ways and Means Committee; **Mori** (D), **Roos** (D), **Statham** (R) and **Norman Waters** (D) are no longer on the committee; **Hannigan** (D), **Mello** (D), **Naylor** (R) and **Maxine Waters** have been added to the panel.

The correct telephone number for the **Assembly Revenue and Taxation Committee** is (916) 322-3730.

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Legislative holding pattern

The Legislature this season can be likened to a metropolitan airport, with many planes circling above in a holding pattern, waiting to land. But only a few are given the signal from the tower while the controllers wait for the fog to clear. In this case, the fog is Proposition 9, the income-tax-cut proposal sponsored by Howard Jarvis. The Legislature cannot act on any measure with a significant fiscal impact until the voters decide the fate of the initiative on June 3rd.

Those bills that do make it through the fiscal fog generally carry no direct or implied cost to the state or local government. One of the most bitterly fought measures of the year, authored by Assemblyman Bruce Young, pits the California Manufacturers Association against the trucking industry. The state Public Utilities Commission wants to deregulate trucking rates, presumably to promote competition and reduce costs to the consumer. The trucker-backed Young bill would keep regulations in effect through September 15th, 1981. It appeared that the measure might be vetoed by Governor Brown.

Brown did win a major victory when the Senate refused to override his veto of a bill by Senator Alan Robbins (SB 1244) designed to make it harder for supporters of school integration to win in court. But it wasn't for love of Brown that the veto was sustained. It was more for dislike of Robbins, who applied pressure on his colleagues with a direct-mail campaign. Observed Brown's chief of staff, Gray Davis: "Robbins was his own worst enemy." The bill would have placed the burden of proof on plaintiffs — rather than on school districts — in school segregation cases. The senator claims this measure is needed to implement the anti-busing measure passed by the voters last year. He is now trying to place the vetoed bill on the ballot through the initiative process.

In mid-April, Brown indicated a willingness to abandon his odd-even gasoline sales plan — if the Legislature adopts an alternative conservation measure. The administration backed a proposal by Assemblyman Lawrence Kapiloff establishing fuel conservation goals for each county. The governor could reinstate the odd-even procedure in any county failing to meet its goal. In the past year, Californians have reduced gasoline consumption 6 percent.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-April. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y – Yes **N – No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (2/3 = 27 votes)

Senate (23D, 16R)	SB 1441	SCA 14	SB 1244	SB 1279	SB 16	SB 1404	SCA 31	SB 1262	AB 1232	ACA 30
Alquist (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ayala (D)	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Beverly (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Briggs (R)	N	N	Y	N	N	Y	N	Y	Y	Y
Campbell (R)	N	Y	Y	N	Y	Y	N	Y	Y	Y
Carpenter (D)	*	N	Y	Y	Y	Y	Y	Y	Y	Y
Craven (R)	*	Y	Y	*	Y	Y	Y	Y	Y	Y
Cusanovich (R)	*	Y	Y	*	Y	Y	Y	N	Y	N
Dills (D)	N	Y	Y	N	Y	Y	N	Y	*	Y
Foran (D)	Y	Y	N	Y	N	Y	Y	N	N	Y
Garamendi (D)	N	Y	*	Y	Y	Y	N	Y	Y	Y
Garcia, A. (D)	*	*	*	*	*	*	*	*	*	*
Garcia, M. (R)	Y	*	N	Y	Y	Y	*	Y	Y	Y
Greene (D)	Y	N	N	Y	Y	Y	*	Y	Y	Y
Holmdahl (D)	N	*	N	N	Y	N	*	N	*	*
Johnson (R)	Y	Y	Y	Y	Y	Y	*	Y	Y	Y
Keene (D)	*	Y	*	Y	Y	Y	N	Y	Y	Y
Maddy (R)	*	Y	Y	Y	Y	Y	*	Y	Y	Y
Marks (R)	Y	N	N	Y	Y	N	Y	Y	Y	Y
Mills (D)	*	Y	N	Y	Y	Y	*	Y	Y	Y
Montoya (D)	Y	Y	Y	*	Y	*	*	*	Y	Y
Nejedly (R)	Y	Y	*	N	Y	Y	Y	Y	Y	Y
Nielsen (R)	N	Y	Y	N	Y	Y	Y	Y	Y	Y
Nimmo (R)	Y	Y	N	N	Y	Y	Y	Y	Y	Y
Petris (D)	Y	N	N	Y	Y	N	*	Y	Y	Y
Presley (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rains (D)	N	N	N	N	Y	Y	*	Y	Y	Y
Richardson (R)	N	N	Y	N	N	Y	N	*	N	Y
Robbins (D)	*	Y	Y	*	*	*	Y	Y	Y	Y
Roberti (D)	Y	N	N	Y	Y	N	*	*	Y	N
Rodda (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Russell (R)	N	Y	Y	N	Y	Y	*	Y	Y	Y
Schmitz (R)	*	Y	N	N	N	Y	N	*	Y	N
Sieroty (D)	Y	Y	N	N	Y	N	N	N	N	N
Speraw (R)	N	Y	Y	Y	N	Y	Y	Y	Y	Y
Stiern (D)	Y	Y	N	N	Y	Y	N	Y	Y	Y
Vuich (D)	N	Y	Y	Y	Y	Y	*	Y	Y	Y
Watson (D)	Y	N	N	Y	Y	N	Y	Y	*	Y
Wilson (D)	*	N	Y	N	Y	N	*	Y	Y	N

Senate

CRIMINAL JUSTICE

SB 1441 (Nejedly) — Grants convicted felons good-behavior time for days spent in custody as well as in prison. Failed, 17 - 12.

SCA 14 (Beverly) — Proposed constitutional amendment authorizing a reduction of the number of jurors in a civil case from 12 to eight and reducing number of jurors in misdemeanor criminal cases if parties agree. Aproved, 27 - 9.

EDUCATION

SB 1244 (Robbins) — Places burden of proof on plaintiffs instead of school districts in school segregation cases. Attempted override of governor's veto failed, 22 - 13 (27 votes required).

SB 1279 (Maddy) — Allows state colleges to increase student fees if the increases are approved by a majority of students. Passed, 22 - 15.

ENVIRONMENT

SB 16 (Roberti) — Creates fund to assist small businesses develop and market alternative energy systems. Passed, 28 - 6.

SB 1404 (Maddy) — Exempts use of pesticides from environmental-impact-report requirements and requires the Department of Food and Agriculture to regulate pesticides. Passed, 29 - 6.

MISCELLANEOUS

SCA 31 (Mills) — Proposed constitutional amendment to simplify reporting of state income taxes through conformity with federal laws. Passed, 29 - 2.

SB 1262 (Beverly) — Permits restaurant patrons who purchase wine to take partially consumed bottles of wine home with them. Passed, 24 - 7.

AB 1232 (Young) — Delays deregulation of trucking rates, now controlled by the Public Utilities Commission. Passed, 28 - 7.

ACA 30 (Boatwright) — Proposed constitutional amendment establishing a fund for

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the payment of claims against insolvent insurance companies. Passed, 31 - 4.

Assembly

ELECTIONS AND POLITICAL REFORM

AB 1048 (M. Waters) — Restricts business activities of former state officials who are hired to influence the agencies in which they were formerly employed. Passed, 70 - 5.

AB 2180 (Knox) — Increases filing fee for proposed ballot initiatives from $200 to $1,000. Passed, 42 - 34.

ENVIRONMENT

AB 2164 (N. Waters) — Requires that the New Melones reservoir be filled to capacity. Passed, 44 - 32.

SB 16 (Roberti) — Creates fund to assist small businesses in the development and marketing of alternative energy systems. Passed, 55 - 21.

MISCELLANEOUS

ACA 56 (Mello) — Proposed constitutional amendment requiring charter cities to use competitive bidding for all projects over $5,000. Failed, 42 - 30 (54 votes required).

Rules proposa — Motion by Republican Leader Carol Hallett to transfer power from the Speaker to the Rules Committee. Referred to the Rules Committee for study, 41 - 27.

SB 584 (Vuich) — Prohibits a farmworkers' union from discriminating against workers who refuse to join a union. Passed, 44 - 28.

SB 1252 (Rodda) — Appropriates $6.9 million to reimburse private universities for medical-school programs conducted prior to the issuance of a court decision prohibiting use of state funds for private educational purposes. Defeated, 39 - 33.

Assembly (50D, 30R)	AB 1048	AB 2180	AB 2164	SB 16	ACA 56	Rules	SB 584	SB 1252
Agnos (D)	Y	Y	N	Y	*	Y	N	Y
Alatorre (D)	Y	Y	N	Y	N	Y	N	Y
Bane (D)	Y	N	Y	Y	Y	Y	*	N
Bannai (R)	Y	Y	Y	N	N	N	Y	Y
Bates (D)	Y	N	N	Y	N	Y	N	Y
Bergeson (R)	Y	N	Y	Y	Y	N	Y	N
Berman (D)	Y	Y	N	Y	N	Y	N	Y
Boatwright (D)	Y	Y	Y	Y	Y	Y	Y	Y
Bosco (D)	Y	N	N	Y	Y	Y	Y	Y
Brown, D. (R)	N	N	Y	N	N	N	Y	N
Brown, W. (D)	Y	Y	N	Y	N	Y	N	Y
Calvo (D)	Y	N	N	Y	N	Y	*	Y
Chacon (D)	Y	N	Y	Y	*	Y	N	Y
Chappie (R)	Y	Y	Y	N	Y	*	Y	N
Cline (R)	N	N	Y	N	Y	N	Y	N
Costa (D)	Y	N	*	Y	Y	*	Y	*
Deddeh (D)	Y	N	Y	Y	N	Y	N	N
Duffy (R)	Y	Y	Y	Y	N	N	Y	N
Egeland (D)	Y	Y	N	Y	N	Y	N	Y
Elder (D)	Y	Y	Y	Y	N	Y	N	N
Ellis (R)	*	N	Y	Y	Y	N	Y	N
Felando (R)	Y	N	Y	Y	Y	N	Y	N
Fenton (D)	Y	Y	*	Y	N	Y	N	N
Filante (R)	Y	N	N	*	Y	N	Y	Y
Frazee (R)	Y	Y	Y	N	Y	N	Y	N
Gage (D)	Y	Y	N	Y	N	Y	N	Y
Goggin (D)	Y	*	N	*	Y	*	N	Y
Greene (D)	Y	Y	Y	Y	Y	N	Y	Y
Hallett (R)	Y	N	Y	N	Y	N	Y	N
Hannigan (D)	Y	N	N	Y	Y	*	Y	Y
Harris (D)	Y	Y	N	Y	N	Y	N	Y
Hart (D)	Y	Y	N	*	*	*	Y	N
Hayden (R)	Y	Y	N	Y	N	Y	Y	Y
Hayes (R)	Y	N	Y	Y	*	Y	N	Y
Hughes (D)	Y	Y	N	Y	N	*	Y	N
Imbrecht (R)	Y	N	N	Y	Y	N	Y	N
Ingalls (D)	Y	Y	Y	Y	*	Y	Y	Y
Ivers (R)	N	N	Y	N	Y	N	Y	N
Johnson (R)	*	N	Y	N	Y	N	Y	N
Kapiloff (D)	Y	N	N	Y	N	Y	N	Y
Kelley (R)	Y	N	Y	N	Y	N	Y	N
Knox (D)	Y	Y	Y	N	Y	N	Y	N
Lancaster (R)	*	*	Y	N	Y	N	*	Y
Lehman (D)	Y	Y	Y	*	Y	*	Y	Y
Leonard (R)	Y	Y	Y	N	Y	N	Y	N
Levine (D)	Y	N	N	Y	N	Y	N	Y
Lockyer (D)	Y	N	N	Y	Y	Y	N	Y
Mangers (D)	Y	N	N	N	Y	*	N	*
McAlister (D)	Y	N	Y	Y	Y	Y	N	Y
McCarthy (D)	*	*	Y	Y	Y	Y	N	*
McVittie (D)	Y	Y	Y	Y	Y	*	N	*
Mello (D)	Y	Y	N	Y	Y	Y	Y	Y
Moore (D)	Y	Y	N	Y	N	*	N	Y
Moorhead (R)	Y	N	Y	Y	Y	N	Y	Y
Mori (D)	Y	Y	N	Y	Y	Y	*	Y
Mountjoy (R)	N	N	Y	N	*	*	Y	N
Naylor (R)	Y	Y	Y	N	Y	N	Y	Y
Nestande (R)	*	*	*	Y	Y	*	Y	*
Nolan (R)	N	N	Y	N	Y	N	Y	N
Papan (D)	Y	Y	Y	Y	Y	Y	Y	N
Perino (D)	Y	Y	Y	Y	Y	Y	Y	N
Priolo (R)	Y	Y	*	Y	N	N	Y	N
Robinson (D)	Y	N	Y	N	*	N	Y	Y
Rogers (R)	Y	N	Y	N	*	N	Y	N
Roos (D)	Y	Y	Y	Y	N	*	*	Y
Rosenthal (D)	Y	Y	N	Y	N	Y	N	Y
Ryan (R)	Y	Y	N	N	N	*	Y	N
Statham (R)	Y	Y	Y	N	Y	N	Y	N
Stirling (R)	Y	N	Y	N	*	N	Y	N
Tanner (D)	Y	Y	N	Y	Y	N	Y	Y
Thurman (D)	Y	Y	Y	Y	Y	Y	Y	N
Torres (D)	Y	Y	Y	Y	N	Y	N	Y
Tucker (D)	Y	Y	N	Y	Y	*	Y	Y
Vasconcellos (D)	Y	N	N	Y	N	Y	N	Y
Vicencia (D)	Y	Y	N	Y	N	Y	N	Y
Waters, M. (D)	Y	Y	N	Y	N	*	Y	Y
Waters, N. (D)	Y	Y	Y	Y	Y	Y	Y	N
Wray (D)	Y	Y	Y	Y	*	Y	N	*
Wyman (R)	Y	N	Y	N	Y	N	Y	N
Young (D)	Y	N	Y	*	N	Y	Y	N

Frank Mesplé internship fund

The Frank Mesplé Internship Fund was created to help support students working for the *California Journal*. They observe state and local government and prepare articles for publication in the *Journal*.

The fund was founded by the *Journal's* board of directors in memory of Frank Mesplé, who had served as a government professor, legislative advocate, gubernatorial aide and wit-about-town. The purpose of the fund is to carry on Mesplé's deep commitment to the youth of California and to the democratic process.

Recent contributors to the fund, whose support the *Journal* gratefully acknowledges, include:

Ralph Andersen Sumner B. Gambee
Marla Andersen David L. Crippens
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Additional contributions may be sent to the Frank Mesplé Internship Fund, *California Journal*, 1617 10th Street, California, 95814.

Selected Government Reports

Atlas of California, by Michael W. Donley, Stuart Allan, Patricia Caro and Clyde P. Patton. Published by Pacific Book Center. A scholarly, graphic geography of California's history, culture and natural environment. 191 pp., 11 inches by 15 inches, hardbound. Available from the publisher, 9555 Washington Blvd., Culver City, CA 90230; telephone (213) 836-2321. ($47.50)

Variations in Costs of Hospital Administration, prepared by the California Health Facilities Commission. 17 pp. Available from the commission, 555 Capitol Mall, Room 525, Sacramento, CA 95814.

The Cost of Hospital Care in San Diego, prepared by the California Health Facilities Commission. 30 pp. plus two appendices. Available from the commission, 555 Capitol Mall, Room 525, Sacramento, CA 95814.

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature in mid-April.

SUBJECT	BILLS	DESCRIPTION	STATUS
ADMINISTRATIVE REGULATIONS	ACA 16 (McAlister) ACA 60 (Boatwright) SCA 4 (Carpenter)	All three constitutional amendments would authorize the Legislature to invalidate proposed state agency regulations.	*ACA 16 and ACA 60 have been approved by the Assembly. SCA 4 is in the Assembly Judiciary Committee.*
ATTORNEYS	AB 2600 (Fenton) SB 1674 (Wilson)	Revise the annual State Bar membership fees for attorneys and extend by one year the Bar's authorization to increase fees by $10 as needed.	*AB 2600 is in the Assembly Judiciary Committee. SB 1674 is in the Senate Judiciary Committee.*
CHILD CARE	SB 863 (Sieroty)	Appropriates $26 million for the expansion of child care and child-development programs.	*Assembly Human Resources Committee.*
CRIMINAL JUSTICE	SB 1527 (Richardson)	Requires judges in criminal cases to record sentencing information and to disclose reasons for the dismissal of cases.	*Senate Finance Committee.*
	SB 1930 (Watson)	Includes within the definition of rape the threat of harm to someone other than the victim.	*Senate Judiciary Committee.*
	SB 1246 (Presley) AB 1946 (Hughes)	Both measures increase marriage license fees to fund centers for treating victims of domestic violence.	*SB 1246 is on the Assembly floor. AB 1946 is in the Senate Finance Committee.*
EDUCATION	ACR 115 (Young)	Declares Legislature's intent that public schools be allocated all funds provided under current laws notwithstanding the adoption of Proposition 9 on the June ballot.	*Assembly Ways and Means Committee.*
EMPLOYMENT	AB 2499 (Leonard)	Requires public employees to be laid off on the basis of job performance and not according to seniority.	*Assembly Public Employees and Retirement Committee.*
	AB 3283 (M. Waters)	Authorizes cities, counties and school districts to take job performance, job necessity, seniority and affirmative action requirements into consideration when laying off public employees.	*Assembly Public Employees and Retirement Committee.*
	AB 3001 (Harris)	Requires state to take affirmative action requirements into consideration when laying off or re-employing state employees.	*Assembly Ways and Means Committee.*
FAMILY LAW	AB 2277 (Hannigan)	Liberalizes California's summary divorce law for couples married less than two years with no children and limited assets and debts.	*Assembly Judiciary Committee.*
	AB 3050 (Moorhead)	Authorizes the assignment of wages to enforce spousal support orders.	*Assembly Ways and Means Committee.*
HEALTH CARE	AB 2245 (Filante)	Repeals requirement that doctors on the staff of a health facility have malpractice insurance and instead permits facility to require proof of financial ability.	*Assembly Finance, Insurance and Commerce Committee.*
	SB 1392 (Watson)	Establishes a program to educate, identify and screen women who have been exposed to DES and prohibits health insurers from discriminating against them.	*On Senate floor.*
HOUSING	SB 2024 (Roberti) AB 3409 (Ingalls)	Prohibit discrimination in the rental of housing accommodations on the basis of a person's age.	*SB 2024 is in the Senate Local Government Committee. AB 3409 is in the Assembly Housing and Community Development Committee.*
PROPOSITION 9	AB 3032 (Leonard)	Repeals cost-of-living increases in Medi-Cal provider rates, states grants for county health services, increases in apportionments to school districts, cost-of-living increases for AFDC and SSI/SSP recipients and retired teachers if Proposition 9 is adopted by voters.	*Assembly Way and Means Committee.*
TAXATION	AB 2001 (Bergeson)	Enacts permanent income-tax indexing.	*Assembly Ways and Means Committee.*

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Does Jerry Brown have a future?

By Leo Rennert

The question about Jerry Brown in 1980 is not why he lost, but why he lost so miserably. Aside from a bruised ego, there's no shame in getting beaten in a well-fought battle. But this was a poorly managed, semi-comic escapade that didn't even give the governor a leg up on 1984. If, four years hence, Brown manages to pull off a political Lazarus act, it will be not because of what he did in 1980 — but in spite of it. It's not so much the country that would have to change as Brown himself. When you add up all the slings and arrows of this year's campaign, the fact remains that Brown was the central character in his own downfall.

WHAT EXACTLY DID GO WRONG? After all, here was a twice-elected governor of the largest state who had made a dazzling debut in the presidential arena only four years earlier. This time, Brown plunged in with a more coherent and sharply defined platform. In fact, of all the presidential candidates, Brown probably offered the most incisive diagnosis of what ails America at home and abroad. His prescriptions for the taming of multi-national corporations, for the rebirth of the nation's industrial capacity, for careful stewardship of natural resources and for a more self-centered foreign policy promise to be up-front issues for the rest of this decade. The governor was quite correct when he remarked that his candidacy got in the way of his message. But why?

Brown has become so much a part of our political folklore that it's hard to resist the temptation to explain him in one-dimensional terms. Governor Moonbeam, the California Flake, Linda Ronstadt's boyfriend, verbiage virtuoso in Doonesbury. There's something of Brown, albeit only a tiny bit, in these caricatures. But they don't throw much light on either his successes or his failures.

Moreover, any postmortem of the 1980 debacle must take into account external factors and obstacles beyond Brown's control. The governor gambled that Senator Kennedy would stay out of the race, or, alternatively, that Kennedy would wait and jump in after New Hampshire. Either way, Brown hoped for maneuvering room to establish himself at the outset as a promising Democratic alternative to Jimmy Carter. Kennedy didn't follow the script and put Brown in the shade before the starting gun went off. At that point, Brown could only hope that Carter would score a quick knockout over Kennedy — or vice versa. That also didn't happen. After New Hampshire, just when it seemed Kennedy was ready to collapse, the senator bounced back in New York and Connecticut. When Wisconsin finally rolled around, Brown still was denied a one-on-one battle with Carter. And, just to make things even tougher, Brown was forced to run against the Ayatollah, Soviet troops in Afghanistan, Jimmy Carter's Rose Garden and the media's curious double standard of treating the president with kid gloves while cutting up his challengers in both parties.

Together or separately, these handicaps made a Brown defeat inevitable. But they don't explain its calamitous dimensions. Even in the face of all this adversity, Brown could have turned in a more respectable performance than his quixotic pratfalls in New Hampshire and Wisconsin. There is no shame for peaking in Maine with 14 percent; but for the rest, Brown has only himself to blame.

With all his supposed political savvy, Brown turned out to be, quite simply, a fumbling practitioner of the trade. Having come so close in 1976, he knew he'd be trying again this year. Yet, he frittered away countless opportunities in the last three years to build a network of supporters across the country. There was no sustained effort to plant IOUs for a 1980 candidacy with appearances at party affairs, although Brown had plenty of invitations. Nor did he pay attention to the critical requirements of laying the groundwork for an effective fund-raising campaign. Here was the governor of California, with easy access to many potential financial contributors, conducting a down-at-the-heels campaign that couldn't even qualify for federal matching funds ahead of Lyndon LaRouche.

Persistent attention to detail is not Brown's strong suit. "I take care of strategy and leave tactics to others," he boasted at the start of the campaign. On the stump, Brown enjoyed lashing out at "instant gratification" as one of contemporary America's deadly sins. He even condemned instant coffee. Yet, on the national political scene, Brown is the epitome of instant gratification. He operates in quick, short bursts and expects immediate results. What other presidential candidate tries so eagerly to get a peek at the lead paragraph of today's campaign story before it even leaves the reporter's typewriter? Brown has only contempt for conventional political spadework. All he needed to do, he thought, was to snap his fingers and give the signal for a full-blown campaign. It was a costly error, which he then compounded by getting so thoroughly hooked on pushing and shoving his way through the early contests that he lost sight entirely of the larger picture. In the end, he wasn't even a good strategist; he was just stumbling along from one spur-of-the-moment decision to the next.

BROWN'S BASIC WEAKNESS is his inability to shake a cynical and manipulative view of politics and human behavior. By flashing a few potent symbols like opposition to nuclear power or the military draft, he thought he could instantly mobilize an army of enthusiastic supporters. Symbols have their potency, but substance also counts for something. The governor pictured himself as the marathon runner; yet he ran out of gas after only a few sprints. At 42, Brown still has an opportunity to draw appropriate lessons from 1980. But he has his work cut out if he wants to persuade the country that his political adolescence is finally over.

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Pre-primary special on the Three Mighty Mites

This is the time in an election year when pamphlets published by the California Journal Press come in especially handy. They tell you all you need to know to make up your mind on ballot propositions, what you ought to know to keep everything legal if you're involved in a political campaign, and the names, addresses, telephone numbers and much more about all the players in the California political game. Here are the pamphlets and their prices:

June Ballot Proposition Guide, containing background and pro-and-con arguments on the Jarvis II initiative (Proposition 9) and the other 10 measures on the statewide ballot June 3rd: 100 or more copies, 30 cents each; 11 - 99 copies, 40 cents each; 2 - 10 copies, 60 cents each; single copy $1.

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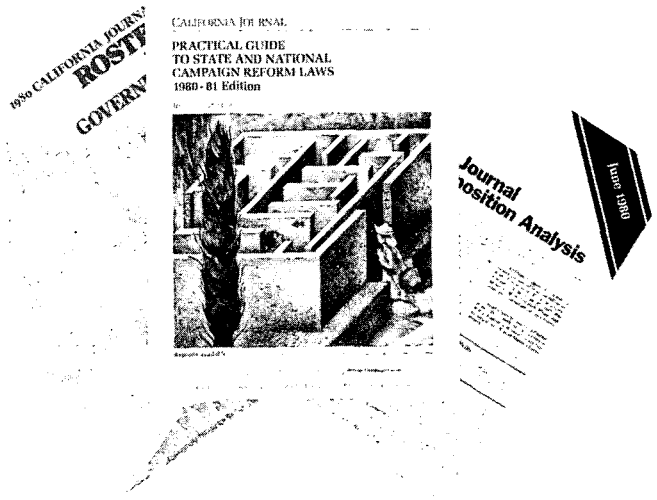

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